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COMPLIMENTS OF

WILLIAM S. STRYKER,

Adjutant General of New Jersey.

ARCHIVES

OF THE

STATE OF NEW JERSEY.

FIRST SERIES.

Vol. V.

This volume was compiled and edited by authority of the State of New Jersey; at the request of the New Jersey Historical Society, and under the direction of the following committee :

Nathaniel Niles, *Ch'n*,
Marcus L. Ward,
Joel Parker,
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DOCUMENTS

RELATING TO THE

COLONIAL HISTORY

OF THE

STATE OF NEW JERSEY,

EDITED BY

WILLIAM A. WHITEHEAD,

Corresponding Secretary of the New Jersey Historical Society; Author of East Jersey Under the Proprietary Governments; Contributions to the Early History of Perth Amboy and the Surrounding Country; Editor of the Papers of Lewis Morris, and of an Analytical Index to the Colonial Documents of New Jersey, etc., etc.

VOLUME V.

ADMINISTRATIONS OF GOV. BURNET, GOV. MONTGOMERIE, PRESIDENT LEWIS MORRIS, GOV. COSBY, PRESIDENT ANDERSON AND PRESIDENT HAMILTON.

1720–1737.

NEWARK, N. J.:
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PREFACE.

This volume contains the remainder of the documents relating to the Union Era, or period during which New York and New Jersey were in charge of the same governors, which were thought, by the Editor, worthy of preservation in this form. The remaining volumes will commence with the administration of Governor Lewis Morris in 1738, and include the whole of the Provincial Era, ending with the War of Independence.

SOURCES

WHENCE THE DOCUMENTS IN THIS VOLUME WERE OBTAINED.

Public Record Office, London, England.
Documents relating to the Colonial History of the State of New York.
Rutherfurd Collection of Manuscripts.
Manuscripts of New Jersey Historical Society.
Manuscripts of William A. Whitehead.
Smith's History of New Jersey.

CONTENTS.

PAGE.

1720—May 31.—Communication from the Lords of Trade to the King—with the draft of Instructions to Governor Burnet 1

" Sept. 27.—Additional Instructions to Governor Burnet, relative to acts authorizing Bills of Credit 3

1721—March 21.—Letter from the Lords of Trade to Gov. Burnet, relative to the fees of James Smith, Secretary of New Jersey 4

" May 20.—Letter from Secretary Popple to Messrs. Joshua Gee (Pennsylvania) and Edward Richier (New Jersey), relative to Islands in the Delaware 6

" June 10.—Letter from Charles Carkesse to the Secretary of the Lords of Trade—about the exportation of Copper Ore from New Jersey to Holland 7

" —— —.—Letter from Governor Burnet to the Lords of Trade 8

" June 20.—Letter from the Lords of Trade to the Lords Commissioners of the Treasury, enclosing the foregoing letter 9

" Aug. 1.—Letter from Governor Burnet to the Lords of Trade, 10

" " 5.—Opinions of the Attorney General and Solicitor General, as to the ownership of the Islands in the Delaware River; with extracts from Charters of King Charles II and William Penn 15

" Sept. 1.—Representation of the Lords of Trade on Petition of Charles Gookin for Islands in Delaware River .. 18

" —— —.—Report of the Condition of New Jersey in America, 20

" Nov. 30.—Additional Instruction to Governor Burnet—relative to the Clergy of the Church of England 23

1722—Mar.-May—Speeches and Addresses during the New Jersey Asesmbly commencing March 7th, 1722 24

" May 17.—Order in Council relative to Islands in the Delaware 28

" " 25.—Letter from Governor Burnet to the Lords of Trade—on New Jersey affairs 32

PAGE.

1724—April 20.—Minute of Council when Mr. Anderson was suspended, received with the foregoing letter 34
" May 24.—Memorial of John Gosling to the Lords of Trade—relative to Leasing the Mines in America 36
" " 31.—Description of the Island of Burlington, in Delaware River 38
" —— —.—List of the Islands in the Delaware River 41
" June 14.—From the Lords of Trade to the King—in relation to the Islands in the Delaware River 43
" " 3.—Additional Instruction to Governor Burnet—relative to the enforcement of the acts regulating Trade and Navigation 46
" July 18.—Letter from Secretary Popple, of the Lords of Trade, to Governor Burnet—relative to vacancies in the New Jersey Council 51
" " 19.—Order in Council appointing James Alexander and James Smith to fill vacancies in the New Jersey Council 52
" Oct. 3.—Governor Burnet to the Lords of Trade—transmitting sundry acts of the New Jersey Assembly 53
" —— —.—Letter from James Alexander to Ex-Governor Robert Hunter 55
" Dec. 12.—Letter from Governor Burnet to Lord Carteret—relating to Gold and Silver Mines in New Jersey. 64
1723—May 9.—Letter from the Council of West Jersey Proprietors to James Alexander 67
" " 24.—Memorial of Merchants and others to the Lords of Trade—relating to proper improvements in the production of Naval Stores in the Colonies 68
" July 9.—Letter from the Lords of Trade to Governor Burnet 70
" " 23.—Additional Instruction from the Lords Justices to Governor Burnet—restricting the approval of private acts 71
" Sept. 16.—Attorney General's Report to the Lords of Trade—on proposed alterations in the Constitution of the New Jersey Assembly 72
" Nov. 30.—Opinion of the Attorney General and Solicitor General as to the ownership of Gold and Silver Mines in New Jersey 74
" Dec. 16.—Letter from Governor Burnet to the Lords of Trade about New Jersey affairs 75
" —— —.—Address of the New Jersey Representatives to the King 77
" " 31.—Report of Mr. West, one of His Majesty's Council, on several acts of the New Jersey Assembly 79

PAGE.

1724—Jan. 7.—The Lords of Trade to the King—respecting the manner of electing representatives to the Assembly, 83

" May 12.—Letter from Governor Burnet to the Lords of Trade—referring to acts passed in the New Jersey Assembly 86

" —— —.—Reasons for the act passed in New Jersey entitled an act for an additional support of the Government, transmitted in foregoing letter 94

1725—Jan. 2.—Letter from Governor Burnet to the Lords of Trade—announcing the death of Chief Justice Trent 97

1723— —— —.—A Scheme showing the method of issuing, applying and sinking Bills of Credit made current in New Jersey, enclosed in Governor Burnet's letter of May 12th, 1724 98

1725— —— —.—Letter from Charles Dunster to one of the Proprietors in England, respecting various individuals 100

" Nov. 24.—Letter from Governor Burnet to the Lords of Trade—relating to acts passed by the New Jersey Assembly 104

1726—Jan. 26.—Letter from Galfridus Gray to the Lords of Trade—relating to a method of protection from the encroachments of the Indians 107

" Feb. 10.—Second memorial from Mr. Gray relating to the insults of the Indians 112

" June 2.—Letter from Governor Burnet to the Lords of Trade—about certain returns 117

" " 28.—Letter from the Lords of Trade to Governor Burnet—about Gold and Silver Mines said to have been found in New Jersey 120

" July 5.—Additional Instruction to the Governors—relative to Suspension of Sentences 122

" " 23.—Proclamatiou of Governor Burnet—against the exercise of any authority by Peter Sonmans as Receiver of Quit-Rents 124

" Aug. 9.—Order in Council relating to Ecclesiastical Jurisdiction in the Plantations 126

" Dec. 20.—Letter from Governor Burnet to the Duke of Newcastle—relating to Mines, Bills of Credit, etc 129

1727—Aug. 24.—Letter from Governor Burnet to the Duke of Newcastle—had proclaimed George II 130

" Aug. 26.—Letter from Governor Burnet to the Lords of Trade—had proclaimed George II in Perth Amboy the day before 131

1725—Sept. 3.—Account of money received and paid by the Treasurer of West Jersey from September, 1720 132

PAGE.

1726--Oct. —.—Account of money received and paid by the Treasurer of East Jersey from December, 1703 142
1725—Aug. 27.—An account of £3,000 raised by an act of the Assembly of New Jersey and paid out by Michael Kearny, Treasurer of the Eastern Division 146
1726—Oct. 31.—An account of money received and paid by the several Collectors to Michael Kearny Treasurer of the Eastern Division, which money is to be sunk 149
1725—Aug. 27.—An account of interest money paid by the several Commissioners of the Loan Office to the Treasurer of the Eastern Division and expended by him during 1725 150
1718-1726 —Negroes imported into New Jersey 152
1726—Dec. 1.—Value of New Jersey paper money in New York 153
" " 15.—Value of New Jersey paper money in Perth Amboy, 154
1727—March 2.—From the Lords of Trade to Governor Burnet—about New Jersey paper money and other matters 156
" " 23.—Additional Instruction to Governor Burnet—relative to appeals 157
" May 3.—Instructions to the Governors ordered, relative to the Suppression of Vice and Immorality in the Provinces 159
1727—May 12.—Letter from Governor Burnet to Secretary Popple—about New Jersey affairs 163
1726— —— .—Census of the Province of New Jersey 164
1726—June 30.—Letter from Governor Burnet to the Lords of Trade—about the application of Interest Money 165
1727—Aug. 23.—From the Lords of Trade to the King with Commissions of Governor John Montgomerie 167
" Sept. 8.—Letter from Governor Montgomerie to the Lords of Trade—sending bills for confirmation 167
" " 28.—Instructions for Governor Montgomerie 169
" Nov. 4.—Letter from ex-Governor Robert Hunter to James Alexander 179
" " 27.—Warrant for new seals for the Plantations 180
" Dec. 18.—Letter from Governor Burnet to the Lords of Trade—enclosing New Jersey documents 181
1728—Feb. 29.—Appointment of Robert Lettice Hooper as Chief Justice of New Jersey 182
" March 24.—Letter from David Rycroft, of Barbadoes, to Messrs John Parker and Andrew Johnston—Governor Montgomerie on his way to the Province 183
" May 6.—Letter from Governor Montgomerie to the Lords of Trade—announcing his arrival after five months' voyage 184

PAGE.

1728—Aug. 7.—Address of the Chief Justice, Second Judge Grand Jury, etc., to the King 185
" Aug. 10.—Letter from ex-Governor Robert Hunter to James Alexander—relative to his property in New York and New Jersey 187
" " 13.—Letter from Governor Montgomerie to the Lords of Trade, enclosing acts of Assembly 189
" July 3.—Letter from ex-Governor Burnet to the Lords of Trade—relating to recent acts of the New Jersey Assembly 190
" Nov. 6.—Representation of the Lords of Trade to the King—recommending Commissioners for trying Pirates in the Plantations 196
" " 14.—Memorial of James Smith, Secretary of New Jersey, relative to his fees 198
" " 20.—Letter from the Lords of Trade to Governor Montgomerie—relative to the act appropriating a portion of the Interest Money paid into the Treasury 200
" " 25.—Letter from James Alexander to Cadwallader Colden—relating to Peter Sonmans 202
" " 27.—Letter from Sir William Keith to the Secretary of the Lords of Trade—relative to certain manufactures in the Plantations 203
" " 30.—Letter from Governor Montgomerie to the Lords of Trade 206
" Dec. 5.—Representation of the Lords of Trade to a Committee of the Privy Council—about certain manufactures in the Plantations 207
" May 8.—Proceedings of the Council of Proprietors of West Jersey—relative to the appointment of a Surveyor General 211
" " 8.—Letter from John Burr to James Alexander—relative to his appointment as Surveyor General of West Jersey 212
" Dec. 5.—From the Lords of Trade to the King—submitting an act of the Assembly for running the partition line between East and West Jersey 213
" " 12.—Letter from Lord Viscount Townshend to the Lords of Trade—with a discourse by Sir William Keith on the state of the Plantations 214
1729—Jan. 27.—Letter from James Alexander to Governor William Burnet—about the relative authority of the Plantation assemblies 230
" April 20.—Letter from Governor Montgomerie to the Lords of Trade—about New Jersey affairs 234

PAGE.

1729—May 20.—Letter from Cadwallader Colden to James Alexander—relating to a proposition from the "Society for the Propagation of the Gospel in Foreign Parts" to establish a library for the use of New York and neighboring colonies 237

" " 22.—Order of Council, approving the act of New Jersey Assembly for running the Division Line between East and West Jersey 243

" June 25.—Letter from Mr. Lowndes to Sir William Keith—about the manufacture of pot and pearl ashes in the Plantations and Sir William's answer 245

" July 9.—Letter from the Lords of Trade to Governor Montgomerie—about certain acts passed by the New Jersey Assembly 247

" Aug. 2.—Letter from Governor Montgomerie to the Lords of Trade—about the act for appropriating a part of of the Interest Money paid into the Treasury 249

1730—Feb. 3.—Letter from James Alexander to ex-Governor Hunter—referring to the death of ex-Governor Burnet and New Jersey affairs 261

" March 17.—Additional Instruction to the Governor of the Plantations—to support the Bishop of London and his Commissaries 264

" April 24.—Letter from the Lords of Trade to Governor Montgomerie—relative to the appropriation of Interest money 266

" May 20.—Letter from Governor Montgomerie to the Duke of Newcastle—about New Jersey Copper Ore 267

" " 22.—Letter from Governor Montgomerie lo the Lords of Trade—about New Jersey affairs 269

" July 4.—Petition to the King from the New Jersey Assembly—asking for a separate Governor from New York 270

" " —.—Memorial of James Alexander, Surveyor General of New Jersey to Governor Montgomerie—relative to the action of the West Jersey Proprietors respecting his office 273

1730—July 30.—Letter from Thomas Smith to the Secretary of State—asking to be appointed Governor of New Jersey 278

" Sept. 9.—Answer of the Council of Proprietors of West Jersey to the Memorial of James Alexander of July .. 278

" " 17.—Letter from John Parker, of Perth Amboy, to the Rev. William Skinner—asking him to prepare mottoes for the seal of the city of New Brunswick 283

PAGE.

1730—Sept. 17.—Answer of Rev. William Skinner to the foregoing letter 284
" Nov. 20.—Letter from Governor Montgomerie to the Lords of Trade—in relation to several acts passed by the New Jersey Assembly 285
" Dec. 15.—Opinion of the Attorney and Solicitor General in relation to Fines and Recoveries 291
" " 21.—Letter from Governor Montgomerie to Secretary Popple 291
1731—Feb. 4.—Letter from Thomas Penn to James Alexander—recommending John Ferdinand Paris as agent for the Province 293
" June 20.—Letter from Governor Montgomerie to the Duke of Newcastle—recommending John Rodman to be of the Council 293
" July 1.—President Van Dam of New York to the Lords of Trade—informing them of the death of Governor Montgomerie the previous night 294
" " 19.—President Lewis Morris to the Duke of New Newcastle—informing him of the death of Governor Montgomerie 295
" " 18.—Address and Memorial of the Council of New Jersey to Lewis Morris—enclosed in the foregoing despatch 296
" " 21.—Communication from the Lords of Trade to Governor Montgomerie—about certain acts of the Assembly 302
" Sept. 15.—Communication from Richard Partridge, agent for New Jersey to the Duke of Newcastle—relating to the desire of the people of New Jersey for a separate Governor 303
" " —.—Memorial of Richard Partridge to the Lords of Trade, relating to bills referred for the King's approval .. 304
1731—Dec. —.—Memorial from the Felt Makers' Company to the Lords of Trade—asking for the prohibition of the manufacture of hats in the Plantations 306
1732—Jan. 17.—Memorial of Thomas Coram to the Lords of Trade—against the passage of any laws prejudicial to the manufactures of the Kingdom 308
" June 2.—Letter from President Morris to the Duke of Newcastle in relation to the separate government for New Jersey 314
" Oct. 26.—Letter from Governor Cosby to the Duke of Newcastle 320
" Dec. 18.—Letter from Governor Cosby to the Duke of New-

PAGE.

castle—referring to changes in the Council of New-York 322

1732—Dec. 18.—Letter from Governor Cosby to Under Secretary De La Faye—relating to the removal of James Alexander from the Council of New Jersey 325

1733—March 19.—Letter from James Alexander to John Ferdinand Paris in London—referring to Governor Cosby 327

" April 20.—Letter from Governor Cosby to the Duke of Newcastle—referring to his removal from office of Lewis Morris 329

" May 10.—Order of Council appointing William Provoost one of the Council of New Jersey 346

" Aug. 8.—Additional Instruction to Governor Cosby—admitting John Peagram, Surveyor General of the Customs, to be one of the Council of New Jersey .. 347

" " 27.—Letter from Lewis Morris to the Lords of Trade—about the proceedings of Governor Cosby 349

" Nov. 8.—Letter from James Alexander to Robert Hunter—about Governor Cosby 359

" Dec. 4.—Letter from James Alexander to Secretary Popple—about New Jersey affairs 360

1734—June 17.—Letter from Governor Cosby to the Lords of Trade—transmitting certain acts of the New Jersey Assembly 364

" " 19.—Reasons of Governor William Cosby for removing Chief Justice Lewis Morris 366

" Aug. 7.—Letter from Governor Cosby to the Lords of Trade—recommending John Schuyler for the Council of New Jersey 374

" Nov. 1.—Petition of the Merchants of Bristol, against a New Jersey act laying a duty on Copper Ore exported—Order of the Committee of Council thereupon 376

" Dec. 3.—Report of Fran: Fane to the Lords of Trade, relative to an act of New Jersey for regulating fees passed in 1733 377

" Dec. 6.—Letter from Governor Cosby to the Lords of Trade about James Alexander and Lewis Morris 395

" " 7.—Letter from Governor Cosby to the Lords of Trade recommending several changes in the Council of New Jersey 402

1735— —— —.—Petition to the Lords of Trade against an act of the New Jersey Assembly regulating Fees, etc 403

" Aug. 6.—Letter from Richard Partridge, agent of New Jersey, to Secretary Popple—about Export Duty on Copper Ore 406

" " 28.—Address from the Lords of Trade to the Queen—

PAGE.

relating to complaints made against James Alexander, Lewis Morris and Rip Van Dam 408

1735—Aug. 28.—Letter from John Sharpe, Solicitor, etc., to Secretary Popple, with his reasons for the non-approval of an act of the New Jersey Assembly of August, 1733, for making £40,000 in Bills of Credit 410

" Oct. 11.—Reply of Richard Partridge to the objections of Solicitor Sharpe to the New Jersey act for making £40,000 in Bills of Credit 416

" " 16.—Letter from Robert Hunter Morris to James Alexander—about the complaints of Gov. Cosby against New Jersey Councilmen 431

" Nov. 6.—Petition of Lewis Morris to the King in Council—in relation to the charges made against him by Gov. Cosby 433

1736—March 15.—Letter from Rev. Wm. Skinner, of Perth Amboy, to Sir Wm. Keith—announcing the death of Governor Cosby and urging him to apply for the vacant position 435

1735—Nov. 26.—Order of the King in Council, declaring the Reasons for removing Chief Justice Morris insufficient 437

1736—March 16.—Letter from President George Clarke, of New York, to the Duke of Newcastle—informing him of the death of Gov. Cosby 438

" " 19.—Letter from John Anderson, President of the Council of New Jersey, to the Duke of Newcastle—giving notice of the death of Governor Cosby, and that the government had been assumed by him 440

" " 18.—Petition of the President and Council, the Speaker and divers members of the General Assembly of New Jersey to the King—asking for the appointment of a Governor separate from New York—enclosed in the foregoing letter 441

" " 19.—Petition from the Grand Jury of Middlesex County to the King—praying for a separate Governor 444

" April 8.—Letter from John Hamilton, President of the Council of New Jersey, to the Lords of Trade—relating to the death of President Anderson and his own assumption of the Government 445

" May 5.—Letter from Sir William Keith, Bart., to the Duke of Newcastle—applying for the Governorship of New Jersey 446

" " 24.—Order of the Lords of the Committee of Council, referring a petition of Mr. Partridge, agent for New Jersey—praying to have a distinct Governor for that Province 448

PAGE.

1736—Aug. 4.—Memorial of Sir Wm. Keith—relating to the necessity of separating the Government of New Jersey from that of New York 450
" " 5.—Reasons for appointing a separate Governor for New Jersey, offered to the Lords of the Committee of Council 451
" Oct. 25.—Letter from Secretary Popple to President John Hamilton—relative to vacancies in the Council of New Jersey 454
" " 25.—Letter from Lewis Morris to the Duke of Newcastle—in support of his claim to the Presidency of the Council of New Jersey 458
" " 20.—Minute of Council of New Jersey, referred to in foregoing letter 463
" " 25.—Two Proclamations issued by Lewis Morris as President of the Council of New Jersey—adjourning the Assembly and altering the public prayers 464
1736—Oct. 31.—Report of four of the Council of New Jersey to President Hamilton—on the demand of Col. Lewis Morris for the Chief Authority 474
" " 26.—Letter from John Hamilton to the Duke of Newcastle—relative to the claims of Lewis Morris 467
" Nov. 5.—Letter from Lewis Morris to the Lords of Trade—relating to his claims to the Presidency of the Council of New Jersey 472
" " 22.—Letter from President Hamilton to the Duke of Newcastle—about the proceedings of Mr. Morris .. 478
" Oct. 29.—Proclamation by President Hamilton enclosed in foregoing letter 469
1737—Jan. 25.—Letter from the Lords of Trade to the Duke of Newcastle—about the difficulties in New Jersey 479
" March 25.—Letter from President Hamilton to the Secretary of the Lords of Trade—complaining of Lewis Morris. 481
" June 22.—Letter from the Lords of Trade to President Hamilton—informing him of the appointment of Lord Delaware to be Governor of New York and New Jersey 490
" June 23.—Letter from Lewis Morris to the Duke of Newcastle 491
" " —.—Communication from Lewis Morris, relating to his difficulties with President Hamilton, enclosed in the foregoing letter 492
" July 6.—Advertisement of the West Jersey Society, giving notice of an intended application to Parliament to vest all their lands in Trustees to be sold 508
1737— —— —.—Memorandum about the Government of New York and New Jersey 511

NEW JERSEY
COLONIAL DOCUMENTS.

Communication from the Lords of Trade to the King—with the draft of Instructions to Governor Burnet.

[From P. R. O. B. T. New Jersey, Vol. XIV, p. 27.]

To the King's most Excell[t] Majesty;
May it please your Majesty.

Your Majesty having been pleas'd to approve the Com'issions for W[m] Burnet Esq[r] to be your Majesty's Governor of New York and New Jersey in America;[1] We now humbly lay before your Majesty the Draughts of Instruct[s] for him for those Governments which are to the Same purpose as the last Governor had; Except

[1] WILLIAM BURNET—deriving his Christian name from William, Prince of Orange, who stood sponsor for him in baptism—was the son of the celebrated Gilbert Burnet, Bishop of Salisbury, under whom, and Sir Isaac Newton, he received his education, which was subsequently improved by travelling and intercourse with distinguished men. He received his appointment as Governor of New Jersey April 19th, 1720, having exchanged a position he held in the Customs, with his friend Governor Hunter, who resigned in his favor. His acquaintance with Hunter was of great advantage to him as it supplied him with information as to the character, abilities and influence of those with whom he was to be brought in contact, but, as he in many respects differed widely from his predecessor, it is not surprising that he should not have secured the favor of some of Hunter's warmest friends, He reached New York in September, 1720, his commission being published at Perth Amboy on the 23d, and his administration commended itself to the approval of the people generally both in that province and New Jersey, although it was his opposition to commercial projects affecting the interests of certain prominent individuals in the former province, that led to his transfer to the government of Massachusetts Bay, which took place, as will be found stated in the text, in 1728.

that there being two Vavancies in the Council of New York, We have added the Name of John Johnston and Francis Harrison to the List of Councillors for that Province, and three Vacancies in the Council of New Jersey, we have added the Names of John Johnson jun^{r} for the Eastern Division of that Province & John Reading & Peter Baird for the Western Division of the same Province, they having been recom'ended to Us as Persons fitly qualify'd to serve y^{r} Majesty in that Station: We also lay before your Majesty the

It is said that Burnet in early life was inclined to infidelity, but subsequent associations led him to abandon the erroneous opinions he had formed, and it is believed that when he came to America he was a consistent Christian. Divinity became a favorite study and rendered him, at least in his own estimation, a theologian of distinction. "He was a firm believer of the truth of revealed religion," says Dr. Chandler, "but a bigot to no particular profession among Christians, and laid little store upon modes and forms." This was characterized by one of his correspondents as "not the thing in the world most for his advantage," as it led him to adopt such a course toward the ministers of the Church of England as incurred the displeasure of the ecclesiastical authorities at home. The Bishop of London complained that clergymen already provided with his license to preach in the colonies were subjected to examinations by the Governor himself. The mode adopted by him, is said to have been, the confinement of the candidate in a room by himself furnished with a Bible only, and within a certain time he was required to furnish a satisfactory sermon from a text given him. "I have seen a great many complaints against Governors" wrote Richard West to him in 1724, but then nobody was surprised, because I could always give some pecuniary reasons for what they had done. You surely are the first who ever brought himself into difficulties by an inordinate *care of souls;* and I am sure that makes no part of your commission." Soon after coming to America, Burnet commenced writing "An *Essay* on Scripture Prophecy, Wherein it is Endeavored to Explain the Three Periods Contained in the XII. Chapter of the Prophet *Daniel.* With some Arguments to make it Probable that the *First* of the *Periods* did Expire in the year 1715." It did not bear the author's name, nor the place of publication, the imprint being simply "Printed in the year MDCCXXIV." The only copy known to exist is in the Library of the Massachusetts Historical Society. It is a small quarto of 167 pages. The Governor made Astronomy one of his studies, and the transactions of the Royal Astronomical Society for 1724, contain a communication from him on the Eclipse of Jupiter's Satellites.

Governor Burnet was large of stature, combining with frank manners a dignified demeanor, and possessing a countenance in which intelligence, amiability and good humor were conjoined. A portrait of him hangs in the Senate chamber at Boston and two miniature sketches by John Watson, the old New Jersey artist, are in the possession of the Editor of these volumes. He died on September 7th, 1729, leaving four children. His eldest son, Gilbert, by his first wife, returned to England; a daughter, Mary, and two sons, William and Thomas, by his second wife, who was daughter of Cornelius Van Horne, of New York, returned to that city.—Contributions to the Early History of Perth Amboy, pp, 156–168. Chandler's Life of Dr. Johnston, 41, 327, 328.—Ed.

usual Draughts of Instructions relating to the Acts of Trade & Navigation.

All which are most humbly submitted

J. CHETWYND
C: COOKE
J: MOLESWORTH
T. PELHAM
M. BLADEN,

Whitehall
May 31st 1720

[The Instructions are omitted, as they were similar to those given to previous Governors, excepting as to the names of the Councillors, viz: Lewis Morris, Thomas Gordon, John Anderson, John Hamilton, Thomas Byerly, David Lyell, John Parker, John Wells, John Hugg, John Johnston Jun., John Reading, Peter Baird.]

Additional Instructions to Governor William Burnet of New Jersey, relative to Acts authorizing Bills of Credit.

[From Original in Library of New Jersey Historical Society.]

BY THE LORDS JUSTICES,

W. CANT, PARKER, C. TOWNSHEND, P. NEWCASTLE, DEVONSHIRE, J. CRAGGS.

ADDITIONAL INSTRUCTIONS to William Burnet Esq[r] His Majesty's Captain General & Governor in Chief of His Majesty's Province of New Jersey in America; Or to the Commander in Chief of His Majesty's Province of New Jersey for the time being. GIVEN AT

WHITEHALL the twenty-Seventh day of Septem^{r} 1720, in the Seventh Year of His Majesty's Reign.

Whereas Acts have been passed in sum of His Majesty's Plantations in America for Striking Bills of Credit, and issuing out the Same in lieu of mony, in Order to discharge their publick Debts, and for other purposes, from whence Several inconveniences have arose; It is therefore His Majesty's Will and Pleasure that for the future you do not give your Assent to, or pass any Act in His Majestys' Province of New Jersey under Your Government, whereby Bills of Credit may be Struck or issued in lieu of mony, or for payment of mony, either to you the Governor, or to the Commander in Chief, or to any of the Members of His Majesty's Council, or of the Assembly of the said Province of New Jersey, or to any other person whatsoever, without a Clause be inserted in said Act declaring that the same shall not take Effect, until the Said Act shall have been approved and confirmed by His Majesty; Excepting Acts for raising and Settling a publick Revenue for defraying the necessary Charge of the Governm^{t} of the said Province of New Jersey, according to the Instructions already given you.

By Their Excellencys Command

CH. DE LA FAYE

Letter from the Lords of Trade to Governor Burnet, relative to the fees of James Smith, Secretary of New Jersey.

[From P. R. O. B, T. New Jersey, Volume XIV, page 102.]

March the 21st $17\frac{20}{21}$

To W^{m} Burnet Esq^{r}

M^{r} James Smith Secr^{y} to the Province of New Jersey, who has been very well recommended to Us, be-

ing a great sufferer by some Acts pass'd in New Jersey which so lessen the Fees and Perquisites of the several offices he enjoys there, that they do not now yield a tolerable Subsistance; And he having deliver'd to Us two Memorials upon that Subject, Copies whereof are here inclosed, We desire that You would move the first Assembly, after your Receipt thereof, in the most effectual Manner, that they wou'd either re-establish the Fees of his sev[l] Offices upon the ancient foot, or find out some other equivalent to prevent his being a sufferer for the faults of his Predecessor; for We are inform'd by Brigad[r] Hunter, that these Laws were design'd & calculated as a Punishment to the then Secretary[1] who had been guilty of notorious Crimes, and that the Judges of the Supreme Court had represented to him, that the Act *for shortning Law Suits and regulating the Practice of the Law*, was entirely destructive to their Jurisdiction and unfit to be continued; but in Case the Assembly shall not comply with what seems so reasonable, then We desire, you wou'd examine into the Matter, and send Us a true State of the Case, and particularly an Account of what the Fees were, before the passing of the Acts mention'd in his Memorials, & what they are reduc'd to since, that proper measures for his Relief may be taken here. So We bid you heartily farewell, and are

Your very loving Friends and humble Serv[ts]

Westmoreland.
J: Chetwynd.
P: Doeminique.
F. Pelham.
M: Bladen.
Edw[d] Ashe.

Whitehall, March 21[st] 17^{20}_{21}

[1] Jeremiah Basse.—Ed.

Letter from Secretary Popple to Messrs. Joshua Gee (Pennsylvania), and E. Richier (New Jersey), relative to Islands in the Delaware.

[From P. R. O. B. T. Proprietles Entry, Vol. XXXI, p. 236.]

L^r^ to M^r^ Gee & M^r^ Richier relating to Cap^t^ Gookins Pet^n^ for a Grant of some small Islands in the River Delaware between Pennsylvania & the Jerseys.

To M^r^ Joshua Gee

Sir,

His Majesty having been pleas'd to refer to the Lords Comm^rs^ for Trade & Plantations, a Pet^n^ of Cap^t^ Charles Gookin, late Gov^r^ of Pennsylvania, praying for a Grant of some small barren Islands lying in Delaware River, between Pennsylvania & the Jerseys; And the said Cap^t^ Gookin having desir'd to be heard by his Council upon the said Petition; their Lord^ps^ have appointed Friday next at ten of the Clock in the Morning for that Purpose, and have com'anded me to acquaint you therewith, that You may also come with your Council, if you have any thing to object against the said Petition in behalf of New Jersey [Pennsylvania].

I am, Sir,

Your most humble Serv^t^

Whitehall, May 20^th^ 1721. W^m^ Popple

the like L^r^ was writ to M^r^ Richier, N: Jersey.

[The report of the Lords of Trade followed, but is here omitted, as it enters into a subsequent document from the Council, under date of May 17th, 1722.—Ed.]

Letter from Charles Carkesse to the Secretary of the Lords of Trade about the exportation of Copper Ore from New Jersey to Holland.

[From P. R. O. B. T., New Jersey, Vol. II, D 104.]

L're from Mr Carkesse, inclosing the Copy of a L're from Mr Francis Harrison, Surveyor at N: York, relating to the carrying Copper Oar from N. Jersey to Holland.

Sr

Inclosed is Copy of a Letter which the Commrs of His Maties Customs have received from Mr Francis Harrison Surveyr at New-York relating to the carrying Copper Oar from thence to Holland and the Commrs desire you will please to lay the same before the Right Honble the Lords Commrs for Trade & Plantac'ons which is what I have in com'and to signify to you. I am

Sir Your most humble Servant

CHA CARKESSE

Customhe Londo 10 June 1721

Mr Popple

Copy. New York April 17th 1721

Honble Gentlemen

Having by Captn Smith in the Ship Beaver who left this place the 15th Xber: last Signified to your Honrs by mine of the 12th of Same Month that I was apprehensive that the Copper Oare which now rises very rich and in great plenty in a New-discover'd mine of one Mr Schuyler in New-Jersey[1] would soon be carried into the Channell of our trade to Holland this is now to acquaint the Honble Board that there is Shipt on Board the Snow-Unity Robert Leonard Master for Holland

[1] Presumed to have been at Belleville (then Second River) near Newark.—ED.

one hundred and ten Casks of Said Copper Oare which we have not as I can find any law at present to prevent

I am with the Greatest Regard Hon^{ble} Gentlemen

Your most Obedient most faithfull humble Serv^{t}

Sign'd FRANCIS HARRISON

To William Popple Esq^{r} Secretary to the R^{t} Hon^{ble} the Lords Comm^{rs} for Trade & plantations These

Letter From Governor Burnet to the Lords of Trade.

[From N. Y. Col. Docts., Vol. V, p. 585.]

My Lords

I received your Lord'ps of the 28 December last and was very glad to have your Lordships approbation of my continuing the same Assembly of New York I have found the good effects of it of which I have given particulars formerly and as they are now sitting I hope I shall find them in the same dispositions of which I have no doubt.

I wish I could say the same thing of the Assembly of New Jersey who have sat about 4 months to no manner of purpose, they began with refusing to sit at all, and desired to be dissolved for they were not a legal Assembly I at last perswaded them to meet but to no effect, but to show that they would not serve either the Government or the Country which after four months patience obliged me to dissolve them, when I am prepared I will send your Lordships, the printed speeches and addresses during that sitting which contain the full History of it and make your Lordships some proposal concerning them. * * * with the greatest respect My Lords,

Your Lordps most obedient & dutiful Serv^{t}

W Burnet

Letter from the Lords of Trade to the Lords Commissioners of the Treasury, inclosing the foregoing Letter.

[From P. R. O. B. T. New Jersey, Volume XIV, page 105.]

L^r^ to M^r^ Lowndes relating to Copper Oar being carry^d^ from New Jersey to Holland.

To W^m^ Lowndes. Esq^r^ Secretary to the Right Hon^ble^ y^e^ Lords Commiss^rs^ of y^e^ Treasury.

Sir,

The inclos'd Copy of a Letter from M^r^ Francis Harrison, Surveyor of the Customs at New York, to the Hon^ble^ the Com'iss^rs^ of His Majesty's Customs, dated at New York the 17^th^ April last, relating to Copper Oar being shipt from the Province of New Jersey for Holland, having been read to my Lords Comm^rs^ for Trade & Plan^s^ they com'and me to transmit the same to you, and to desire you will lay it before the R^t^ Hon^ble^ the Lords Comm^rs^ of his Majesty's Treasury for their Directions therein; and as there is no law to prevent the carrying of Oar from the Plantations, the Lords Com'iss^rs^ of Trade think that this Practice may be of such Consequence to His Majesty's Revenue, that it do's desire to be consider'd in Parliament in order to be prevented by some act to be pass'd for that purpose. I am, Sir,

Your most humble Serv^t^

W. POPPLE:

Whitehall, June 20^th^ 1721.

Governor Burnet to the Lords of Trade.

[From P. R. O. B. T. New Jersey, Vol. III, E 1.]

L[r] from M[r] Burnet Gov[r] of New Jersey & New York

New York Aug: 1[st] 1721

My Lords

I now send your Lordships in print the speeches & addresses during the Sitting of the Late Assembly in Jersey I have added a Letter from your Lordships in 1711 to Brigadier Hunter on the Subject of amendments made by a Council to Mony Bills, which will Serve as a just censure to that part of this Assembly's conduct I have also printed the Act which was Sent up by this Assembly for y[e] support of Government with the amendments made thereto by the Council, which the Assembly not only rejected but ordered the Council not to amend the Said Bill, which is a new way of treateng the Council & of a piece with their behaviour to me These I have printed at my own charge that the country may have a History of all that past of any moment & may be undeceived as to any misrepresentation which the Assembly ever have Endeavored to make of one [our?] proceedings & I believe this will have a good effect in a new election.

I like wise Send your Lordships the minutes of Council of that province from six month before the Day of my arrival till now. I believe this will be thought rather more than enough concerning a Session of assembly, where no one Bill past. But proper measures taken on this occasion may be of lasting use, and as this province has always been full of restless unreasonable men, who have given your Lordships a great deal of uneasiness in Brigadier Hunters time I hope you will take effectual methods to shew them

that they are dependant on the government at home. & that I shall be Supported, when they shew their disregard to the Kings instructions & when I assert them, and even refuse a revenue at the expence of breaking them.

I need not here be particular in Shewing wherein this conduct of their's has appeared & what I have done to bring them right to do this would be to repeat almost all that is continued in the annexed printed Sheets especially in my last Speech to them in page: 14th, 15 & 16.

The minutes of Council serve to give a full light to the whole proceeding & shew that the chief instrument of their ill humour was a professed Jacobite [George Willocks by name] to whom on Information of his practises I tendered the oath and on his refusal took Security for his good behaviour. This man was continually conversing with them and souring their temper, while he was at Bridlington in the beginning of the Session, and afterwards at pert Amboy where he lives, and where the Sessions ended; the Council having advised me to remove them, that I might yet try them a little longer, & at the same time be near enough to New York to meet the Assembly there & to divide my time between them for a few weeks The distance between York & Amboy is but 30 miles, whereas between York and Bridlington is 80, but this was of no effect & so at last I dissolved them Of 24 Members I had 9 firm to my interest, and 13 determined by mutual promise, to Stand out against me & two wavering, so that with some management I do not despair of working a change.

I now come to observe to your Lordships what easy remedys might be tryed & I believe would be effectual to discourage this turbulent spirit for the future & to procure good choice of a new Assembly

First, if your Lordships will please to obtain His

Majestys dissallowance of the two acts so prejudicial to the Secretarys office, & so long desired by M^r^ Smith. It would be of great use against another Session for they would take it as a check to them for flying in the face of the Government & an instance of the care that is taken at home to Support the officers, when they are doing all their endeavours here to Starve them. & it is never to be expected that they will repeal these laws themselves, for they would be glad to have no officers in the province nor a governour neither, unless he were of their own appointing tho their own feuds made them weary of such a one formerly & would do so again, if they had their desire.

Another remedy I hope your Lordships will think fit to approve, both as very promising in order to make the next election better, and likewise as what is really but an act of Justice if there were not any other consideration, It is My Lords a Small alteration in the 16^th^ Instruction relating to the choice of an assembly in New Jersey The Instruction first settling the election of representatives was that all the freeholders in East Jersey should meet & chuse twelve men, and those in West Jersey meet and chuse twelve more But this method was found inconvenient & thereupon the present Instruction was given in the L^d^ Cornburys time, by which In East Jersey The town of perth Amboy chuses two, & each of the five countys in that division chuses two. & in West Jersey The town of Bridllngton chuses two, & each of the four Countys in that division (which were only so many when this Instruction was first given) chuse two, & the town of Salem two. But since this regulation was made My Lords the Division of West Jersey has spread so much in settlements to the northward that Brigadier Hunter found it necessary to divide one of those four Countys & to take out of it a new County which is called Hunterdon & which is now as Large & populous as any of

the rest, which has no members to represent it, but the inhabitants continue to vote in Bridlington County as the did before they were taken out of it. This I humbly conceive is a hard ship upon them, & it would put the two divisions on a more equal foot, if each of the (now) five Countys in West Jersey chose two members, as the five in East Jersey do and as the town of Salem obtained members plainly for no other reason than because the was at that time one County less in West than in East Jersey, So now that reason ceasing, it Seems unreasonable that they should any longer have so great a priviledge above their neighbours for this Salem is a very poor fishing village of about twenty houses and not above 7 or 8 voters: & now beside these general observations, I can acquaint your Lordships that the members of this Salem have in the last assembly been the ringleaders of the opposition made to the government, and are the more insolent in their conduct because, they are sure of being re-elected, through the fewness of their electors, which they can manage, tho the rest of the Country were ever so much against them; on the other side the County of Hunterdon are now in a very good temper, & would send very loyal men if they may have the priviledge of a choice

I have thus fully laid the matter before your Lordships & its consequences & must humbly beg your Lordships resolution upon it with his Majestys Instructions to compleat the affairs, if your Lordships think proper to apply for them, with all convenient dispatch because till this or some other measure be taken, Such as your Lordships think fit I cannot reasonably expect a good election, which makes the support of government stand entirely still in that province without any provision, I can think of no objection to that proposal, but one, which I humbly conceive your examination will be found rather an argument for it

It may be alledged that an act has been passed in That province in my Lord Lovelaces time, in pursuance of the instruction now in force, and therefore that there is a Bar put to the proposed alteration. But My Lords in the first place, this act is now only to be found in print, (pag: 5th chap: 11th of the printed acts which I send herewith) The original not being to be found on record in Jersey, or at New York and is supposed to be carryed away among my Lord Lovelaces papers. Nor was any Duplicate of it ever sent home for approbation, as your Lordship will find upon Search to be fact. & this is so well know to be the case of several other acts as well as this that in Brigadier Hunters time, There was a Bill brought in to the Assembly to enact all those printed acts whose original were lost, but this Bill was rejected as irregular in its nature: And My Lords if this act was extant upon record it would be void *ipso facto* because it is contrary in many things to the tenour of the instruction & is thereby null till confirmed by his Majesty, according to the express words of that Instruction, & here to avoid repetition, if your Lordships are willing to see this more fully prooved I beg leave to refer to pag: 4 & 5th where the titles of this & another act are inserted & the instruction set down at length, & to pag: 9th & 10th where in answer to the *seventh resolve* of the Assembly the whole matter is fully argued.

I have now trespassed very much on your Lordships time, & should do So much more If I desired your Lordships to peruse the annexed printed papers—But I thought it my duty to Send them that my conduct might be fully justified & that I might prevent any false colour or groundless misrepresention, which some malitious persons may possibly make to your Lordships.

And now that I have dwelt so long on the Jersey

affairs I will not presume to trouble yoar Lordships with any thing at present concerning this province but only in a few words acquaint your Lordships That the Assembly is just now broke up. passing several acts. We agree very well & this province is as remarkably quiet & happy & affectionate to me as the other is the reverse.

I am very impatient for your Lordships Commands in answer to my account of the former Session of this Assembly & shall transmit the minutes & acts of this Session as Soon as they can be got ready I am with great respect

My Lords Your Lordships Most dutifull
& most obedient humble Servant
W. BURNET.

Opinion of Attorney General and Solicitor General, as to the ownership of the Islands in the Delaware River.

[From P. R. O. B. T. New Jersey, Volume II, D 105.]

Mr Attorney & Sollrs Genl's Opinion whether the Islds in Delaware River, and the River, belong to ye Crown or to either of the Provinces, New Jersey or Pennsylvania. Dated ye 5th August 1721.

TO THE RIGHT HONO'BLE THE LORDS COMMISSIONERS OF TRADE AND PLANTATIONS.

May it please your Lordships.

In obedience to yor Commands Signfy'd to us by Mr Popple by his Letter of the 30th of June last Whereby he transmitted to us the annex't Coppy of two Clauses Extracted out of the Charter of New Jersey and Pensylvania whereby the Boundaries of those provinces

are Ascertain'd & thereupon desired our opinion Whether Delaware River or any part thereof or the Islands therein lyeing are by the said Clauses Conveyed to either of the s^{d} Provinces, or Whether the Right thereunto doth Still remain in the Crown—We have perused the said Clauses and have been Attended by the Agents of the parties who claim the Province of Pensilvania and their Counsel who laid before us a Coppy of the Letters Patents Granting the said Province and have heard what hath been alleadged on both Sides and upon Consideration of the Whole matter are of opinion that no part of Delaware River or the Islands lyeing therein are Compriz'd within the Granting words of the said Letters patents or of the said annex't Extract of the Grant of New Jersey; but we conceive that the Right to the same still Remaines in the Crown

All which is humbly Submitted to your
Lord Ships Judgement

ROB: RAYMOND
PHI YORKE

Aug^{t} 5th 1721.

Extract of King Charles the 2^{ds} Grant of New Jersey &c in America to the Duke of York, Dated March 12th 1664.

By these Presents for Us Our Heirs & Successors do give & grant unto Our Dearest Brother James Duke of York His Heirs and Assigns All that Part of the Main Land of New England beginning at a certain place called or known by the Name of S^{t} Croix, next adjoyning to New Scotland in America, and from thence extending along the Sea Coast unto a certain place call'd Pemaquie or Pemaquid, and so up the River thereof to the farthest Head of the same, as it tendeth Northwards, and extending from thence to the River

of Kinibiquie and so upwards by the shortest Course to the River Canada Northward; And also all that Island or Islands commonly call'd by the several Name or Names of Mattawacks or Long Island, situate lying & being towards the West of Cape Codd, And the Narrow Higansets, abutting upon the Main Land between the Two Rivers there call'd or known by the several Names of Connecticut & Hudsons River, together also with the said River call'd Hudsons River and all the Lands from the West Side of Connecticut River to the East Side of Delaware Bay, And also all those several Islands call'd or known by the names of Martyn Vineyards and Nantukes other Nantuket together with all the Lands, Islands, Soils, Rivers, Harbours, Mines, Minerals, Quarries, Woods, Marshes, Waters, Lakes, ffishings, Hawkings, Hunting & ffowling, and all other Royalties, Profits, Commodities & Hereditaments to the said several Islands, Lands & Premises belonging & appertaining with their & every of their appurtenances and all & other Estate, Right, title & Interest, Benefit, Advantage, Claim & Demand of in or to the said Lands & premises or any part or parcel thereof. And the Reversion or Reversions, Remainder & Remainders together with the Yearly & other Rents Revenues & profits of all & singular the said premises & of every part and parcel thereof &c^{e}.

Extract of M^{r} W^{m} Penns Charter from King Charles the 2^{d}. for Pennsylvania, Dated 4th. March 1680.

Have given, granted and by this Present Charter for Us, Our Heirs & Successors, do give & grant unto the said William Penn His Heirs & Assigns All that Tract or Part of Land in America with all the Islands there-

in contain'd as the same is bounded on the East by Delaware River from Twelve miles Northward of Newcastle unto the 43 Degrees of Northern Latitude if the said River extends so far Northward But if the said River shall not extend so far Northward, Then by the said River so far as it shall extend, And from the Head of the said River the Eastern Bounds are to be determin'd by a Meridian Line to be drawn from the Head of the said River unto the 43^{d} Degree, The said Lands to extend Westward 5 Degrees in Longitude to be computed from the said Eastern Bounds, And the said Land to be bounded on the North by the Beginning of the 43 Degree of Northern Latitude, On the South by a Circle drawn at 12 Miles Distant from Newcastle Northwards & Westwards unto the Beginning of the 40 Degree of Northern Latitude, And then by a straight Line Westward to the Line of Longitude abovemention'd.

Representation of the Lords of Trade on Petition of Charles Gookin for Islands in Delaware River.

[From P. R. O. B. T. Proprieties, Volume XXXI, page 238.]

Rep^{t} upon the Petition of Cap^{t} Gookin, for a Grant of some small Islands in Delaware River, between Pennsylvania & N: Jersey. 1721 Sep^{r} the 1st

To the King's most Excell^{t} Majesty.

May it please your Majesty.

In Obedience to your Maj^{tys} Order in Council, of the 8th of Jan^{ry} $17\frac{19}{20}$. We have consider'd the Petit^{n} of Cap^{t} Charles Gookin, late Deputy Governor of Pennsylvania, therein referr'd to Us, setting forth his many Years faithfull Service in the Army, wherein he lost his Rank on Account of being preferr'd to the Gov-

ernm^{t} of Pennsylvania, and for supporting the dignity whereof he expended what small Fortune he had before saved; And thereupon humbly praying in Regard thereto, that Your Majesty wou'd be graciously pleas'd to bestow on him a Grant under such moderate Quit-Rent as your Maj^{ty} shall think proper, of some small Islands lying waste and unhabited in the midst of Delaware River, between the Provinces of New Jersey & Pennsylvania in America, not included in y^{e} Grants of either of the said Provinces, from the Crown; And having thereupon heard M^{r} Cox, in behalf of the Proprietors of New Jersey, as likewise several Persons in behalf of those who claim the Propriety of Pennsylvania; And the Petitioner by his Counsel, and had the Opinion of your Maj$^{ty's}$ Attorney & Sollicitor General upon y^{e} Clauses in the Charters of the said Provinces of New Jersey & Pennsylvania, whereby the Boundaries of those Provinces are ascertain'd; We humbly represent to your Majesty;

That it appears to Us from the Report of your Maj^{tys} Attor^{ny} & Soll^{r} Gen^{l}, that no part of Delaware River, or the Islands lying therein, are compriz'd within y^{e} granting words of y^{e} s^{d} Clauses of y^{e} forementionn'd Grants; But that the Right to the same still remains in y^{e} Crown, And y^{t} your Maj^{ty} may grant all or any part of the said Isl^{ds} if your Maj^{ty} shall so think fit.

But whereas it hath been represented to Us, that several Settlements & Improvements have allready been made on some of the s^{d} Islands by your Majesty's Subjects in those Parts, who wou'd be greatly prejudic'd if your Majesty shou'd grant away the said Islands to any other Persons; We wou'd therefore humbly offer, that if your Majesty shou'd be graciously pleas'd to grant Cap^{t} Gookin any of the Islands in the River Delaware, that such of them as are & were settled and improved by any of your Majesty's Subjects, be-

fore the Petrs Application to your Majesty for a Grant thereof, be excepted out of ye said Grant; And that the present Occupiers be allowed to continue in Possession thereof on Condition that they do pay an An'ual Quit-Rent for the Same to your Majty. It wou'd likewise be necessary that no Clause or Matter contain'd in this Grant, shou'd extend to deprive any of your Majesty's Subjects from the ffree navigation and Fishery of the said River.

We are likewise of Opinion that the said Capt Gookin shou'd be lay'd under proper Restrictions to settle & cultivate the Lands to him granted within a reasonable time, and that a Quit-Rent be reserv'd thereon; And that the Govt of such Islands when granted, be annex'd to that of New Jersey, which Province is more immediately under your Majesty's Governmt than that of Pennsylvania.

All which is most humbly submitted.

J: Chetwynd.
J: Pulteney.
M: Bladen.
Edwp Ashe.

Whitehall, Sepr 1st 1721.

Report of the Condition of New Jersey in America in 1721.

From Entry P. R. O. B. T. Plantations General, Vol. XXXIV, p. 336.]

[From a] Representation upon the State of His Majesty's Plantations on the Continent of America [from the Lords Commissioners for Trade and Plantations Septemr 8th 1721].

To the Kings most Excellt Majty

May it please Your Majesty

* * * * * * * * *

The Governmt of New Jersey is bounded on the East by Man-Hattons Island and Long Island and part of

y^e^ Sea. and part by Hudson's River. On the West by Delaware Bay or River, which parts it from Pensylvania and Southward to the Main Ocean, as far as Cape May at the Mouth of the said Delaware Bay; and to the Northward as far as to the Northermost Branch of the said Bay or River of Delaware, which is in 41 Degrees 40 Minutes of Latitude; & crossing over thence in a Strait Line to Hudson's River in New York, and is in 41 Degrees of Latitude as appears by their Charter.

The Proprietors of this Province did formerly appoint a Govern^r^ for the Same; But in the Year 1702, they Surrendered their Right of Governm^t^ to Her late Majesty; & the Gov^r^ of New York hath ever since that time been appointed likewise Gov^r^ of this Province. but they have Still a Separate Council of 12 persons appointed by the King, & an Assembly of 24 persons chosen by the people, who make their own Laws.

The greatest Number of the Inhabitants are Quakers, of which y^e^ Council and Assembly chiefly consist.

This Province raiseth by their Assembly about 1300^lb^ P Annum, for the Support of their Government: but they think it a Hardship to pay a Salary to a Governor who resides in another Province, and would be willing to raise Still a further sum for the Maintenance of a Gov^r^, who could reside amongst them, w^ch^ they conceive wou'd greatly advance the Trade and Welfare of this Country.

This Province produces all sorts of Grain or Corn; the Inhabitants likewise breed all sorts of Cattle in great quantities with which they supply the Merchants of New York & Philadelphia, to carry on their Trade to all the American Islands, but were they a distinct Governm^t^ (having very good Harbours) Merchants would be encouraged to settle amongst them & they might become a considerable Trading People; whereas

at present they have few or no Ships but Coasting Vessels, & they are Supply'd from New York & Philadelphia with English Manufactures, having none of their own.

The Inhabitants daily increase in great Numbers from New England and Ireland, and before this increase the Militia consisted of about 3000 Men.

There are but few Indians in this Governm^{t} and they very innocent and Friendly to the Inhabitants, being under the Command of the 5 Nations of Iroquois, and this Plantation not lying Exposed, as some other British Colonies do, they have hitherto built no Forts.

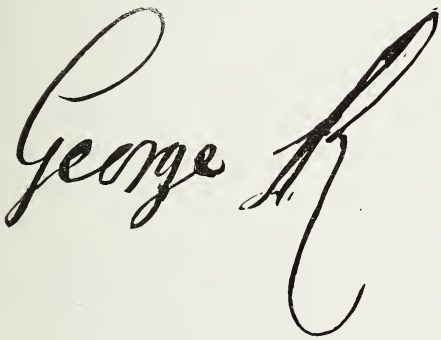
There is a great quantity of Iron Ore, and some Copper in this Province.

They have only two Patent Officers viz^{t} an Attorney General & a Secretary; and as all Patent Officers appointed in Great Britain are generally unwelcome to the Plantations, so by several Acts of Assembly their Fees are So reduced (especially the Secretary's) that they are not sufficient for his subsistance.

Additional Instruction to Governor William Burnet —relative to the Clergy of the Church of England.

[From the original in the Library of New Jersey Historical Society.]

Royal Seal.



ADDITIONAL INSTRUCTION to Our Trusty and Welbeloved William Burnet Esq^r Our Captain General & Governor in Chief in and over Our Province of Nova Cæsaria or NEW JERSEY IN AMERICA at Our Court at St. James's, the 30^th Day of November 1721, In the Eighth Year of our Reign.

Whereas by our Instructions to you for the Government of Our Said Province of New Jersey, Dated the third Day of June 1720, in the Sixth Year of our Reign: You are Empowered by the first part of the Seventy Sixth Article thereof, to prefer any Minister to any Ecclesiastical Benefice in that Province, who produces a Certificate from the Right Reverend Father in God the Lord Bishop of London, *or some other Bishop,* of his being conformable to the Doctrine & Discipline of the Church of England, and of a good life and conversation: It is nevertheless Our Will and Pleasure; that you do not prefer any Minister to any Ecclesiastical Benefice in that Province, without a Certificate from

the Right Reverend Father in God the Lord Bishop of London of his being conformable to the Doctrine & Discipline of the Church of England, and of a good life and conversation.

G. R.

Speeches and Addresses during the New Jersey Assembly commencing the 7th of March, 1722.

[From Smith's History of New Jersey, p. 414.]

The Governor's Speech

Gentlemen,

The choice which the country has made of you to represent them, gives me a happy opportunity of knowing their sentiments; now when they have been fully informed of mine in the most publick manner, I have no reason to doubt, that after so much time given them to weigh and consider every particular, you bring along with you their hearty resolutions to support his majesty's government, in such an ample and honourable manner as will become you to offer, and me to accept; and in doing this, I must recommend to you, not to think of me, so much as of the inferior officers of this government, who want your care more, and whose salary have hitherto amounted to a very small share of the publick expence. I cannot neglect this occasion of congratulating you upon the treasures lately discovered in the bowels of the earth, which cannot fail of circulating for the general good, the increase of trade, and the raising the value of estates; and now you are just beginning to taste of new blessings, I cannot but remind you of those which you have so long enjoyed, and without which all other advantages would but have encreased your sufferings, under a Popish King, and a French government.

You can ascribe your deliverance from these, to nothing but the glorious revolution, begun by king William the third, of immortal memory, and compleated by the happy accession of his present majesty, king George, to the throne of Great Britain, and his entire success against his rebellious subjects at home, and all his enemies abroad.

To this remarkable deliverance, by an over-ruling hand of providence, you owe the preservation of your laws and liberties, the secure enjoyment of your property, and a free exercise of religion, according to the dictates of your conscience: These invaluable blessings are visible among us, and the misery of countries where tyranny and persecution prevail, so well known, that I need not mention them, to raise in your minds the highest sense of your obligations to serve God, to honour the king, and love your country.

W. BURNET.

The Assembly's Address.

May it please your Excellency:

We gladly embrace this opportunity, to assure your excellency, that our sentiments and those we represent, are one and the same, chearfully to demonstrate our loyalty to our sovereign king George, submission to his substitute, and readiness to support his government over us in all its branches, in the most honourable manner the circumstances of this province will allow; which we hope your excellency will accept of, tho' it fall short of what the dignity of his majesty's governor and the inferior officers of the government might expect, were the province in a more flourishing condition.

We thankfully acknowledge your excellency's congratulation, and doubt not when the imaginary treasures (except mr. Schuyler's) becomes real, the country will not be wanting in their duty to his majesty in

making your excellency, and the officers of the government partakers of the advantage.

We doubt not but your excellency will extend your goodness to countenance any proposal that may tend to the publick utility.

We hope your excellency will excuse us in falling short of words, to express our thankful acknowledgements to God Almighty and those under him, who have been instruments in working deliverance to that glorious nation to which we belong, from popery; tyranny and arbitrary power, wishing it may always be supplied with great and good men, that will endeavour their utmost to maintain his majesty's royal authority, and assert and defend the laws, liberties and properties of the people, against all foreign and domestic invaders.

We beg your excellency to believe the sincerity of our thoughts, that there are none of his majesty's subjects that entertains hearts mor loyal and affectionate, and desire more to testify their duty, gratitude and odedience to their sovereign king George his issue, and magistrates in their respective degrees, than doth the representatives in his majesty's province of New-Jersey.

JOHN JOHNSTON, speaker.

[The Sessions continued about two months; the support was settled at £500 p^{r} year, for five years; the Governor after passing that and several other bills, dismissed the House with the following speech.]

The Governor's Speech.

Gentlemen

I have so many reasons to thank you for your proceedings in this affair, that should I mention them all,

time would not suffice me; two I cannot but acknowledge in a most particular manner; the acts for the chearful and honourable support, and for the security of his majesty's government in this province.

I cannot but say, that I look upon the latter as the noblest present of the two; as I think honour always more than riches: The world will now see the true cause of our misunderstandings in the last assembly, and that we met in the innocency and simplicity of our hearts: that the enemy had sown such seeds of dissention among us, that defeated all our good purposes, and made us part with a wrong notion of one another.

It has pleased God now to discover the truth, and no man in his sober senses can doubt that the hand of Joab was then busy, as it is now certain that it has at this time.

It is a peculiar honour to me to be thus justified in all my conduct by the publick act of the whole legislature; and God knows my heart, that I am not fond of power, that I abhor all thoughts of revenge, and that I study to keep a conscience void of offence towards God and towards man.

After the publication of the acts, I desire you to return to your house, and after having entered this speech in your minutes, to adjourn yourselves to the first day of October next; that tho' it is not probable we should meet so soon, it may not be out of our power if occasion should be.

May 5, 1722. W. Burnet.

Order in Council relative to Islands in the Delaware.

[From P. R. O. B. T. Proprieties, Vol. II., R. 14.]

Order in Council, of the 17th Instant, upon a Report of this Board on Captn Gookin's Petr for some Islds on Delaware River. Recd May 24th 1722.

L. S.

At the Court of St James's the 17th day of May 1722.

PRESENT

THE KINGS MOST EXCELLT MAJESTY IN COUNCILL.

Upon reading this day at the Board a Report from the Right Honoble the Lords of the Committee of his Majtys most Honoble Privy Councill, dated the 3rd of this Instant in the Words following viz:—

"*His Majesty* having been pleased by his Order in "Councill of the 28th of December last, to referr unto "this Committee, a Report from the Lords Com- "missrs of Trade and Plantations upon the Petition of "Capt Charles Gookin late Deputy Govr of Pensilvania, "which setts forth, his many Years faithfull Services "in the Army wherein he lost his Rank on Account "of being preferred to the said Government, And for "Supporting the Dignity whereof he had Expended "great Part of his Fortune, and humbly prays in "regard thereto, that his Majesty wou'd be graciously "pleased to bestow upon him a Grant of Some Islands "lying in the midst of Delaware River between the "Provinces of New Jersey and Pensilvania in America, "not included in the Grants of either of the said "Provinces:—By which Report the said Commissrs

"represent, that they have heard the Petr. by his "Councill, and also some Persons who claim the Pro- "priety of Pensilvania and New Jersey, and taken the "Opinion of Mr. Attorney and Mr. Sollicitor Generall, "whereby it appears, that no Part of Delaware River "or the Islands lying therein, are Comprized within "the aforementioned Grants, but that the right to the "Same still remains in the Crown, and that his Majty. "may Grant all or any of the said Islands if his Majty. "shall so think fitt: And the said Commrs. further "Represent, that severall Settlements & Improvemts. "have been represented to them to have been made on "Some of the said Islands by his Majestys Subjects in "those parts, who would be prejudiced if his Majesty "should Grant away the said Islands to any other "Persons; And they therefore humbly offer that if "his Majesty should be graciously pleased to Grant "Capt. Gookin, any of the Islands in the River Dela- "ware, that such of them as are, and were Settled "and improved by any of his Majesty's Subjects before "the Petrs. Application to his Majty. for a Grant thereof, "be Excepted out of the said Grant, And that the said "present occupiers be allowed to Continue in Posses- "sion thereof, on Condition that they do pay an "annual Quit Rent for the same to his Majesty; And "that nothing be Contained in such Grant to Extend "to Deprive His Majestys Subjects from the free "Navigation and Fishery of the said River; And fur- "the said Capt Gookin be laid under proper Restric- "tions to Setle and Cultivate the Lands to him "Granted within a reasonable Time, and that a Quitt "Rent be reserved thereon, And that the Government "of such Islands when Granted be annexed to that of "New Jersey; Which Province is more immediately "under his Majtys Governmt than that of Pensilvania: "And his Majesty—having been also pleased by his "Order of the Same Date to referr unto this Commit-

"tee, An humble Petition of the said Capt. Gookin "relating to that Part of the said Report about except- "ing the improved Islands, representing, the Same "might be attended with very ill Consequences, And "praying that he may have a Grant of all the Islands "in Delaware River, on Condition that he allows such "Improvers for all their Improvements made. as shall "be adjudged upon a Survey by indifferent Persons "chose for that Purpose, and which will prevent the "Improvers being prejudiced, and that it may be "described, what shall be deemed Improvements "within the meaning of Such Condition: And also "another Petition of the Widow and Executrix of "William Penn Esq. deceased, late Proprietary Govr. "of Pensilvania alledging, that the said Islands lye "next to Pensilvania, and that they have been "Esteemed Part of that Province, and therefore pray- "ing to be heard against any Grant being made "thereof and Confirm her Right to the Same.

"Their Lordships pursuant to his Majtys said Orders "took the whole matter into Consideration, and heard "the said Petrs by their Councill learned in the Law, "And Do Agree, humbly to offer to his Majesty, That "it appears, upon the Representation of severall Gen- "erall Officers and of the Earl Cadogan then present, "That the Petr. Capt. Gookin had Served the Crown "many Years with greatly Fidelity: That as to the "Islands in the River Delaware, It did plainly appear, "that they were not Comprehended within the Boun- "daries of either of the two Provinces of Pensilvania "New Jersey, but that the same remain in the Crown, "But in regard Some of them were represented to "have been Setled and Improved before the Petr. Capt: "Gookins present Application for a Grant:— Their "Lordps are of Opinion, that when his majesty shall "please to Grant the said Islands, it would be proper, "the Board of Trade should particularize, which of

"the said Islands appears to them to be improved, and "to Consider, whether it would be most proper, that "the Persons who have improved such Islands, should "be quieted in the Possession thereof paying a Quitt "Rent to the Crown or whether they should be "allowed a Compensation for their said Improvements "by such Person as Yo^{r}. Maj^{ty} shall think proper to "make a Grant of the said Islands to, and in what "manner Such Compensation shall be setled: And "Their Lord^{ps} are further of Opinion that when his "Majesty shall please to Grant the said Islands, that "the Government thereof should be annexed to the "Province of New Jersey; And that no Clause or Mat- "ter contained in Such Grant should Extend to De- "prive any of his Majesty's Subjects from the free "Navigation and Fishery of the said River Delaware, "And that the Grantee be laid under proper Restric- "tions to Setle and Cultivate the Said Islands within "a reasonable Time, and that a Quitt Rent be reserved "thereon to his Majesty.

His Majesty in Councill taking the said Report into Consideration, Is pleased to Approve thereof, and to Order, pursuant thereto, that the Lords Commiss^{rs} of Trade and Plantations, do particularize, which of the said Islands appear to be improved, and Consider, whether it would be most proper that the Persons who have improved Such Islands should be Quieted in the Possession thereof paying a Quitt Rent to the Crown, or whether they should be allowed a Compensation for their said Improvements by Such Person to whom his Majesty shall think proper to Grant the Same, and in what proper manner such Compensation may be setled, And make Report thereof to his majesty at this Board.—

Robert Hales.

Letter from Governor Burnet to the Lords of Trade —on New Jersey affairs.

[From P. R. O. B. T., New Jersey, Vol. III, E 7.]

Letter from Mr Burnet to the Board

New York 25th May 1722

My Lords,

I have the honour of your Lordships Commands of the 22d February, relating to the Acts in Jersey which are now repealed, and Shall take Effectual Care; to publish it in such manner as to set the Secretary Office in possession of his just Pretensions.

A Cabal of Wicked People in Jersey headed by George Willox [Willocks] a Jacobite had contrived in this last Sessions just now over, among many other Laws to hurt the Prerogative, one particularly to destroy the secretarys Office, which was entitled "An "Act to oblige Clerks and other Officers that keep "Records to give Security for ye performance of their "respective Offices.

In a former Act to this Effect passed in 12° et 13° Reginæ Annæ Entituled "An Act for Acknowledging "& recording of Deeds & Conveyances of Land within each respective County of this Province one of the Acts now disallowed and to which I beg leave to refer myself the Secretarys Office was distinctly excepted in a Clause by itself, but in this last there is no Exception & it runs . . . any Laws to the Contrary in anywise notwithstanding—which Words would have repealed ye Clause in the former Act, if the last had past.

I send here annex'd a Copy of that last Bill as it came up to the Councill passed by the Assembly; upon which I was informed it was George Willox's [Willocks] drawing by the Person who copyed it from his

handwriting, which led me to examine that person before y^e^ Council and upon that followed that Minute of Councill where the whole Discovery appears & that upon one of the Councill justifying this Jacobite plot I suspended him which I hope his Majesty will approve That Minute of Councill is hereto likewise annexed as are my printed Speeches & the printed Act for the Security of his Majesties Government which the Assembly passed upon my sending them y^e^ above mention'd Minute of Councill as they have likewise an Act for the Support of Government for five Years, & of themselves a Majority of them told me they were very easy at my laying aside all their factious Bills, among which is that of which I send a written Copy for that they were deceived into them by their Speaker & his Councillour George Willox [Willocks] & did not desire them to pass. So that I have gained their Approbation in every thing & have by their own Act obtained a Censure upon all my enemies & a Justification of my own proceedings, I hope Your Lordships will by this perceive what disappointed me before & where the whole Blame ought to lye.

I sent them likewise an Act w^ch^ the Councill passed in Order to disallow those very Acts which Your Lordships have now obtained a repeal of from his Majesty but the Season being too advanced & there arising severall Querys which required time to answer, they begged then to be dismissed & that they would be ready to go upon it effectually when they met again & were in Generall well disposed to serve M^r^ Smith.

This obliges me to thank Your Lordships for taking this Trouble from me by effecting it at home.

I must now acquaint Your Lordships y^t^ there are three Vacancies which I humbly recommend to Your Lordships to be filled up in the Councill of New Jersey.

1. One in the Eastern Division by M^r^ Gordons Death,

to which I recommend Mr James Alexander Surveyor General of that Province

2. Another in the Western Division by ye Constant Absence & entire Incapacity of Speech & all Business of Mr Byerly, to which I recommend Mr James Smith Secretary of the Province.

3. And a third in the Eastern Division by the Suspension if approved of Mr Anderson, as appears by the annext Minute of Councill to which I recommend Mr William Eires now Treasurer for ye Eastern Division.

I have not yet been to get ye Minutes of Councill & of the Assembly fairly transcribed nor their Acts engrossed to be transmitted to Your Lordships but will do it by the next Conveyance & in the meantime remain with profound respeat.

My Lords, Your Lordships most Dutifull and
Obedient Servant
W. Burnet.

Minute of Council when Mr Anderson was Suspended. recd with Mr Burnets Lr of 25th May 1722.

At a Councill held at Perth Amboy April ye 20, 1722.

Present

His Excellency William Burnet Esqr Govern. &.

Lewis Morris
Thomas Gordon
John Anderson
David Lyell
John Parker
John Johnston
Peter Bard
} Esqrs

The Governour inform'd this Board that Mr Bradford attended without and had a matter of importance to inform this Board of,

and accordingly the Governour Sent for Mr Bradford in, and asked him whether the Bill which was brought into the house of Representatives Intituled An Act to oblige Clerks and other Officers that keep Records to give Security for the performance of their respective Offices, was his handwriting, Mr Bradford said it was,

The Govr asked him, from whose handwriting he had copyed ye sd Bill, Mr Bradford said from George Willox's [Willocks'] as he believed, of all wch he was ready to take his Oath.

The Governour asked Mr Bradford who had directed him to copy the said Bill, Mr Bradford said it was Docter Johnston who had desired him to copy the same.

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The Governour observed to the board of what ill Consequence it was to his Majesties Government to consult with professed Jacobites concerning the framing of Laws, that George Willox [Willocks], had refused taking the Oaths, of Allegiance to his Majesty when they were tendered to him, and therefore must be looked on as an Enemy to ye Governmt, after some further Discussion on ye same Subject, Mr Anderson said, he did not take him (meaning as is agreed by all the board Mr Willox [Willocks]) to be an Enemy to the Governmt upon which Words the Governour did suspend Mr Anderson from sitting & acting in his Majesties Councill, till his Majesties Pleasure be further known & said that his reason for so doing was that he thought that it was inconsistent with his Duty as a Councillor & a good Subject to justifie a person in the manner he had done, who had given publick proofs of his Disaffection to his Majesty King George and the protestant Succession as Establisht by Law.

Memorial of John Gosling to the Lords of Trade,—relative to Leasing the Mines in America.

[From P. R. O. B. T. New Jersey, Vol. III. E 6.]

Mem^{l} of John Gosling, proposing an Instruction to all Governors in America, Empowering them to let to Farm or Licence persons upon reasonable Conditions the Advantages that may accrue upon the Discovery of Royal Mines there: Dated May 24th 1722.

To the Right honorable Lords of Trade and Plantations at whitehall London.

May y^{e} 24th (1722)

New Jersey or nova Cesaria To y^{e} Right honorable the lords of trade and plantations this memoriall humbly presented; and Sets forth to your lordships that by the Royall Grant of Charles the Second to his brother then duke of York; I finde the said Dukes Grant of New Jersey or nova Cesaria in America the mines mineralls Royaltyes powers &c were Granted to the Lord Barkley and Sr: George Cartreet within the same by w^{ch} words in y^{e} Said Grant the purchaserers of them; Generally Conceived that all the Royall mines of Silver and Gold mixt or unmixt; where thereby Granted and invested in them and theire assignes for Ever; but of late there haveing been Severall mines of Very Valluable Metle Discovered in pensilvania & new Jersey and the Collonies adjacent w^{ch} hath given occasion of disputes whether the Said mines; by Vertue of those Generall words; are Granted to the present proprietors of the soyle or not; the w^{ch} your Lordships will best Judge of; now for asmuch as it becomes faithfull and Loyall Subjects of the best of Kings and lovers of theire Country and Nation; to ad-

vertize You of things of Great Importance; I therefore do beg leave in all humble manner to lay before your lordships that those Collonies; perticularly new Jersey are found Severall Rich mines Consisting of Silver and Gold unmixt or mixt with other Mettalls; and the discoverers for fear of Censures are pleased So farr as may be in their power to Conceale them untill they Can see whether any meanes may be found to Secure to themselves Such a proportion of them; in Case Your lordships shall Conceive them not allready Granted as may render it of Some proffit to the owners of lands and discoverers of mines; I Crave leave therefore further to lay before Your Lordships that there is reason to Beleive; that were there Suitable Encoragement given to his Majesty's Subjects in America it will be found in time Equall to new Spain; in Royall mines to the Enabling of people in them to purchase and use very much more of the Growth and Manufactories of Great Brittian to the Great Encrease of trade and the Revenue and Riches of the Crown and Kingdom as well as strength; I therefore presume to let Your lordships Know that some persons in these parts haveing the like Knowledge of these Rich mines now Discovered and a Just Expectation of many new Discoveries are Contriveing here & In what manner they may finde meanes to Gain Grants from his Majesty of the Said Royall mines in the Severall parts of america and the persons that act as agejents here for Severall of the Companyes of Mineors In Great Brittian have not withstanding theire acting in Generall with Caution Given sufficient Cause to suspect theire advizeing theire Companyes to get those Grants; and and thereby to Monopolize them to the use and benefit of themselves and theire Companyes by that meanes; I humbly Conceive it will be a Great prejudice to his Majesty as to his Revenues the trade of the Kingdom and the Common Benefit of his Majestys subjects both

at home and abroad; if Such Grants should be obtained by private persons and Companyes; it is therefore humbly submitted to your Lordships Consideration whether if by his majestys Royall Instructions to be Given to the severall Governors in America; they might be Enabled to Grant lyeciencies for a terme of years for digging and working the Mines; Reserveing some part to his majesty to be paid in Either oar or Metle to his majesty's Governors. Collectors or Such agejents as his majesty and his Royall Successors shall appoint in titleing the proprietor of Land to hold at least three fifth parts; Discoverer at least one fifth part and a fifth part Cleare of Charge to his said Majesty; and whether an Act of parliament to some such like purpose with a Grant of his Moste Sacred Majesty to some such like purpose; would not be of the utmoste importance and security of the mines; and So Enrich them; as to Enrich the nation to whose interest in Generall Such Encoragements will undoubtedly prove; if private Grants and Monopilizers are by Some Such or other safe and proper Meanes prevented; all which is in the moste humble man^{r} Submitted to Your lordships by Your humble servant

JOHN: GOSLING

Description of the Island of Burlington, in Delaware River.

[From P. R. O. B. T. New Jersey, Vol. III. E 4.]

Description of the Isl^{d} of Burlington on Delaware River given by Col:^{o} Cox. May 31st 1722.

That on the first Settlement of the Town of Burlington, the Island opposite to it in Delaware River, was by consent of M^{r} Billings the Proprietary of West

Jersey Survey'd by one Stacy a Considerable Proprietor (and ever since call'd Burlington or Stacys Island) and by him given to the said Town for a publick Common and Place of Diversion, whither the Inhabitants ussually resort to Walk and refresh themselves on ffine Weather & Holy days The Town being for the most Part inclos'd by Creeks Marshes, and Sand Hills, which deprives them of the above Conveniencys on the Continent. So that should his Majesty think ffitt to dispossess the Town of this Island, and Grant it to any private Person, the Inhabitants would lose One of the greatest Comforts of their Lives, and be made So uneasy, that the Rents of their Houses would Considerably ffall, Many Familys would retire to other Parts, and the Town in a manner be almost depopulated.

Besides that the Trade of the Town (which is the Capital of the Province) would be thereby greatly discourag'd, If not totally destroy'd; and the Building of Vessels (which is One of its main Supports) be Soon at an End. Add to this that on the Shoar of the s.d Island, They gather All the Balast for their Shipping and Smaller Vessels, which is not to be procur'd in any other Place nearer than Ten or Twelve Miles further up the River, And then it must be purchas'd at any Rates the Proprietors of the Island, or any other Land from whence it is to be fetch'd shall please to exact, which by Experience are Known to be very excessive and burthensom—

Moreover when the Indians are Sent for, or come down of their own Accord, to treat with the Government, or to Sell their Lands (as they often do in Considerable Numbers) This Island is the usual Place appointed for their Residence till their Buisiness is finish'd, and they are order'd home again. The Officers of the Government and Inhabitants not thinking it prudent, or to Stand with their Security, that They should continue in the Town espetially by night.

This Island when in possession of the Dutch, before the English had any footing there; was y^e^ usual Residence of the Dutch Governour; who built a Smal Fort at y^e^ Point next Burlington in which he placed four Cannon to Command both Channels of the river & down it as far as his shott wou'd reach He Likewise clear'd & ditch'd in eighteen Acres of Marsh, where he made Hay & Graz'd his Cattle, & the foundation of the House, the Banks of y^e^ Marsh & great Part of a tolerable Good Orchard, are remaining there to this Day—

Sometime before, & during y^e^ time of this Petitioners Application to his Majesty for the Islands in Delaware River, the Inhabitants of Burlington being Ignorant, and no ways apprehensive of Such a Sudden unexpected Attack upon them, were at the Charge and Trouble of laying out and Cutting Ten or Twelve Walks or Vista's from a Small rising Ground about the Center of the Island, by which They had at once a Prospect Up and down the River, of different Parts of the Town of Burlington, and of that of New Bristol over against it on the Pensilvania Shoare. This work has been further encourag'd and improv'd by the pressent Governour his Ex^y^ W^m^ Burnett Esqr, who Spar'd no Pains or Costs to render the Place Still more pleasant & delightful; He almost dayly Visited it, during his Residence in Burlington, and Sometimes diverted himself therein (when he could obtain a Relaxation from the more weighty Affairs of the Government) almost whole Days together. Besides As it may Some time or other Happen, from the favour of his Majesty, or the Circumstances of Affairs, that a Govenour may be appointed immediately Commission'd for this Province Seperate from any other, who shall be order'd Constantly to reside therein, There is no Doubt to be made, but Burlington will be the Chief Place of his residence, & that the Assembly will raise Mony to build him a House there, or Purchase a very Large & fine one already built at the Point of the

Town opposite to the Island, which to my knowledge, has been oft discours'd of & Design'd to be Effected, Whensoever it shall so happen that they have a Governour of their own Constantly to Dwell & Continue in the Province. This Island will then be of a great Convenience & Service to the Governers as well as the Town, the Trees on it will Supply him wth Timber for Repairs, Wood for ffencing, & ffewel for ffire; and the Marshe Land belonging to it when clear'd will maintain his Horses and Cattle wth Grass and Hay.

Nutten Island over ag^{t} the City of New York, tho' often begg'd of the Crown, was never yet granted or alienated, because it is found to be many Ways Useful and necessary for the Service of that City, the Fort, & the Governour: The Same Reasons may be alledg'd, and will hold Good on the Part of Burlington or Stacys Island, besides the Several others before mentioned, which are humbly submitted &c

List of the Islands in the Delaware River.

[From P. R. O. B. T., New Jersey, Vol. III, E 5.]

An Account of the Islands lying in DeLaware River Particularizing the same and distinguishing the Improved Islands from the unimproved and describing in what the Improvements consist—

A Little Island next the Falls	Wholly unimproved
Byles Island	No building on it—not Banked being a high Island—Coll Cox has heard itt has been let for: £12: a year but knows not that itt is or ever was so lett of his own knowledge

A Small Marshy Island between Byles and Biddles Island———— ——	Wholly unimproved
Biddles or Pensbury Island	Used for Grazing Cattle by Biddle and as Coll Gookin Says by Severall others
Burlington or Staceys Island	Uninhabited and unsettled but alledged to be used as a Place of Pleasure for Burlington—vide Coll Coxes Papers
Burdons Island	An Old decayed House upon itt some small part of itt cleared and Cattle Grazed there.
Fairman's Island	Wholly unimproved and uninhabited
Two little Shifting Islands or Mudd Banks——	Unimproved and produces nothing but Sedge which the Inhabitants of the Jerseys and Philadelphia * * promiscuously cutt formerly but the Islands are over flowed each tide.
Hollanders Creek Island	All Marsh with Shrubs upon itt and a little House Built the reonby Mr Story [Stacy?] and some small parc improved.
League Island & Hogg Island	Qu: if in DeLaware River — Unimproved entirely and overflowed with water
Three little Islands near Tenecum	All unimproved

Carpenters Island near the Mouth of Schuylkill River	Improved by a handsome House and in many other Particulars. Questioned whether in Delaware or Schuylkill River.
Tenecunck by the Side of the River	Improved by a Good house and Orchards and much cleared Land
Tenecunck in the Middle of the River	Uninhabited unimproved bears reed only and overflowed every Tide
Two Islands on the Eastern Shore opposite to Chester	Uninhabited and unimproved and overflowed
Fishers Island	Not known by Coll Cox nor Coll Gookin to be in the River Delaware

Mem^{dm} There are Severall other Islands in the River which cannot be particularized or any account given of 'em.

From the Lords of Trade to the King—in relation to the islands in the Delaware River.

[From P. R. O. B. T., Proprietors, Entry Fol. 31, p. 248.]

Rep^{n} upon an Order of Council, of 17th last Month, in Relation to Cap^{t} Gookin's Petit^{n} for some Islands on Delaware River.

To the King's Most Excell^{t} Majesty.

May it please your Majesty,

In Obedience to your Majesty's Order in Council to Us, bearing Date the 17th Day of the last Month,

whereby We are directed to particularize what Isl^{ds} lying in the River Delaware, between your Majesty's Provinces of New Jersey & Pennsylvania, appear to be improv'd, and whether it wou'd be most proper that the Persons who have improv'd such Islands, shou'd be quieted in the Possession thereof, paying a Quit Rent to the Crown, Or whether they should be allowed a Compensation for their said Improvements by such Person to whom your Majesty shall think proper to grant the same, and in what manner such Compensation may be settled? We have got what Information We could, of the Condition the said Islands are now in, which according to the most perfect List of their Names that has been laid before Us are as follows,

A little Island next the Falls.
Byles Island.
A small marshy Isl^{d} between Byles & Biddles Island.
Biddles or Pensbury Island.
Burlington or Stacy's Island.
Burden's Island.
Fairman's Island.
Two little shifting Isl^{ds} or Mud-banks.
Hollanders Creek Island.
League Island & Hogg Island.
Three little Isl^{ds} near Tenecunck.
Carpenters Isl^{d} near the mouth of Schuylkill River.
Tenecunk, by the Side of y^{e} River.
Tenecunk in y^{e} middle of the River.
Two Islands on the Eastern Shore opposite to Chester.
Fishers Island.

of the foregoing List, Hollander's Creek Island, Carpenter's Isl^{d} near the Mouth or Schuylkill River & Tenecunk, by the Side of the River, and Fishers' Island, are the only Islands which appear to Us have

had any considerable Improvements made upon them, and upon further Examination We are humbly of Opinion they cannot properly be called Islands lying within the River Delaware; For altho' some part of them be washed by the said River, yet they lye close to the Pennsylvanian Shore, and are chiefly surrounded by other Waters flowing from that Province; And if it should hereafter appear that they are not allready included in the Charter of Pennsylvania, We should humbly propose your Majesty might be graciously pleas'd to grant them to the present Possessors repectively, under a reasonable Quit-Rent.

There is likewise one other Island in the River of Delaware called Burlington or Stacy's Island, lying near to the Town of Burlington in your Majesty's Province of New Jersey, and altho' no great Improvements have been made thereupon, yet as we are inform'd that the said Island has long been made use of by your Majesty's good subjects inhabiting y^e^ Town of Burlington, the Capitol of your Majesty's Province of West New Jersey, and is in many respects necessary for them; We would humbly propose to your Majesty that a Grant thereof may be made to the said Town of Burlington, under a reasonable Quit-Rent, and that y^e^ same may, by Virtue of your Maj^ty.'s^ Letters Patents, be made a part of the said Province of New Jersey.

As to the rest of the said Islands; We do not find by the best Enquiry We have been able to make that any considerable Improvem^ts.^ have been made thereupon, or that the present Possessors have had any Grant of them from the Crown, or have paid any Quit-Rent for the same.

Wherefore We are humbly of Opinion, that your Majesty may be graciously pleas'd to grant all the said Islands, except.

Hollander's Creek Island.

Carpenter's Isl.^d^ near the Mouth of Schuylkill River.

Tenecunk by the side of y^e^ River.

Fisher's Island.

And the Island of Burlington, to such Person as shall be thought worthy of your Majesty's Royal Favour, under the usual Quit-Rents; In which Case We would humbly propose that they may likewise be made a part of your Maj^ty's^ Province of New Jersey.

All which is most humbly submitted.

P: DOEMINIQUE.
M: BLADEN.
E: ASHE.
R: PLUM'ER.

Whitehall,
June 14^th^ 1722.

Additional Instruction to Governor William Burnet, of New Jersey—relative to the enforcement of the Acts regulating Trade and Navigation.

[From the Original in the Library of the New Jersey Historical Society.]

Royal Seal.

GEORGE R

ADDITIONAL INSTRUCTION to Our Trusty & Wel-beloved, William Burnet, Esq^r^ Our Captain General and Governor in Chief in and over Our Province of Nova Cæsarea or NEW JERSEY in AMERICA; GIVEN at our Court at S^t^ James's the Third Day of June 1722, In the Eighth year of Our Reign

Whereas We have been informed that a clandestine Trade is carried on, as well by British as Foreign Ships, from Madagascar & other parts beyond the Cape of Bona Esperanza within the Limits of Trade granted to the united East India Company directly to Our Plantations in America, to the great detrim^t^ of these Realms, and in Breach of the Several Laws in Force relating to Trade and Navigation: Our WILL

AND PLEASURE IS, that you Our Governor or in your Absence the Commander in Chief of Our Said Province of NEW JERSEY, do duly and Strictly observe and cause to be observed the several good Laws and Statutes now in force for the regulating of Trade and Navigation, particularly the Several Acts of Parliament already mentioned in your Instructions, and also those contained in the following List, Viz^{t}

An Act passed in the Ninth and Tenth Years of the Reign of King William the third, Entituled An Act for raising a Sum not Exceeding two Millions upon a Fund for payment of Annuities after the Rate of Eight p^{r} Cent p^{r} Annum and for Settling the Trade to the East Indies.

An Act passed in the Eleventh and twelfth of the said King's Reign, Entituled An Act for the more effectual Suppression of Piracy.—

An Act passed in the Ninth Year of the Reign of Her late Majesty Queen Ann, Entituled An Act for the preservation of white and other Pine Trees growing in Her Majesty's Colonies of New Hampshire, the Massachusetts Bay and Provinces of Main, Rhode Island & Providence Plantation, the Narraganset Country or Kings Province and Connecticut in New England; and New York and New Jersey in America, for the Masting Her Majesty's Navy.

An Act passed in the fourth Year of Our Reign Entituled An Act for the further preventing Robery, Burglary and other Felonies, and for y^{e} more effectual Transportation of Felons & Exporters of Wooll, and for declaring the Law upon some points relating to Pirates.

An Act passed in the fifth Year of Our Reign, Entituled, An Act against clandestine running of uncustom'd Goods, and for the more Effectual preventing of Frauds, relating to the Customs.

An Act passed in the same Year of Our Reign, En-

tituled An Act for the better securing the Lawful Trade of His Majesty's Subjects to and from the East Indies, and for the more Effectual preventing all His Majesty's Subjects Trading thither under Foreign Commissions-

An act passed in the seventh Year of Our Reign, Entituled, An act for the further preventing His Majesty's Subjects from Trading to the East Indies under Foreign Commissions, and for encouraging and further securing the Lawful Trade thereto, & for further regulating the Pilots of Dover, Deal and the Isle of Thanet.

An act passed in the Eighth Year of Our Reign, Entituled, An Act for the Encouragem^{t} of the Silk Manufacturers of this Kingdom, and for taking off several Duties in Merchandizes Exported, And for reducing y^{e} Duties upon Beaver skins, Pepper, Mace, Cloves, and Nutmegs Imported, and for Importatien of all Furrs of the product of the British Plantations into this Kingdom only, &c^{a}

An Act passed in the same Year of Our Reign, Entituled, An Act to prevent the Clandestine Running of Goods & the danger of Infection thereby, & to prevent Ships breaking their Quarantine, and to subject Copper-Oar of the product of the British Plantations to such Regulations as other Enumerated Commodities of y^{e} like production, are subject.

And Another Act passed in the same Year of Our Reign, Entit: An Act for the more Effectual Suppressing of Piracy.

(Copies of which Acts you will herewith receive) And that if you, or Our Commander in Chief for the time being, Shall be found negligent or remiss in your Duty in an Affair of so great Importance to Our Service and the Welfare of Our Subjects: It is Our fix'd and determined Will and Resolution, that you or such Commander respectively be for such Offence, not only

immediately removed from your Employments, and be lyable to the fine of one thousand pounds as likewise Suffer such other Fines and Forfeitures, Pains and Penalties as are inflicted by the several Laws now in force relating thereunto, but shall also receive the most rigorous marks of Our Highest Displeasure, and be prosecuted with the utmost severity of Law's And in order to the better Execution of the Laws and Statutes above mentioned, upon the first notice of the Arrival of any Ship or Ships within the Limits of any Port of or belonging to your Government, which have or are suspected to have on Board any *Negroes*, *Goods or Commodities* of y^e^ growth, produce or Manufacture of the East Indies, Madagascar or any other parts or places beyond the Cape of Bona Esperanza, within the Limits of Trade granted to the united East India Company pursuant to the forementioned Act of the 9^th^ and 10^th^ of King William, you shall immediately cause the Officers of Our Customs in your Government (and any other Officers or persons in Aid of them) to go on Board such Ship or Ships, and to Visit the same, and to Examine the Masters or other Commanders the Officers and Sailors on Board such Ship or Ships, and their Charter parties, Invoices, Cocquits & other Credentials, Testimonials or Documents, and if they find that such Ship or Ships came from the East Indies, Madagascar or any other parts or places beyond the Cape of Bona Esperanza, within the Limits of Trade granted to the said United East India Company; And that there are on Board any such Goods, Commodities or Negroes, as is above mention'd that they do give notice to the Master or other person having then the Command of such Ship or Ships, forthwith to depart out of the Limits of your Government, without giving them any relief, Support, Aid or Assistance, altho' it should be pretended that such Ship or Ships were, or the same really should be in distress, want, disability

Danger of Sinking, or for or upon any other reason or pretence whatsoever. And that you Our Govr. or Commander in Chief do by no means suffer any Goods, Merchandize or Negroes from on Board such Ship or Ships to be landed or brought on shore, upon any Account or Excuse whatsoever, And it is OUR FURTHER WILL AND PLEASURE, that if any such Ship or Ships being Foreign having on Board any such Goods, Merchandize or Negroes, do not, upon Notice given to ye Master or other person having the Command thereof, as soon as conveniently may be, depart out of the Limits of your Government, and from the Coast thereof without Landing, Selling or bartering any of the said Goods or Negroes, you, Our Governor or the Commander in Chief shall cause the said Ship or Ships and Goods and Negroes to be seized and proceeded against according to Law. But if such Ship or Ships having such Goods or Negroes on Board, and entring into any Port or Place or coming upon any of the Coasts or Shores of Our said Province of New Jersey, do belong to Our subjects, and to break bulk or sell, barter, Exchange or otherwise dispose of the said Goods or Negroes or any part thereof, contrary to Law, you are to take care, that such Ship or Ships, with the Guns, Tackle, Apparel and Furniture thereof, and all Goods and Merchandizes loaden thereupon, and the proceed and Effects of the same be immediately seized, and that the Laws in such case made and Provided be put in Execution with the greatest care, dilligence and application; But if any Ship belonging to the Subjects of any Foreign State or Potentate, having on Board any Negroes or East India Commodities shall be actually bound to some Port or Place, in the West Indies belonging to any Foreign Prince or State from some European Port, and such Ship shall happen to be driven in by Necessity, and be in real distress, the same may be supply'd with what is absolutely necessary for Her relief; But you shall not

take, have or receive, nor permit or suffer any person to take, have or receive any Negroes or other the said East India Commodities in payment or Satisfaction for such relief. That if any Officer of Our Customs or other Officer Employ'd by you Our Governor or Commander in Chief, in Visiting Searching or Seizing such Ship or Ships, Goods, Merchandize or Negroes, be corrupt, negligent or remiss in the discharge of his Duty therein, We do hereby require you to suspend him from the Execution of His said Office, and that you do by the first Opportunity send an Account of such Officer's behaviour to one of Our Principal Secretaries of State; and to Our Commissioners for for Trade and Plantations, that care may be taken that such Officer be removed from his Employment, and further punished according to his Demerit. AND OUR FURTHER WILL & PLEASURE IS, that you Our Governor or Commander in Chief, do constantly from time to time, and by the first Opportunity that shall Offer, send to one of Our Principal Secretaries of State, and to Our Commissioners for Trade and Plantations, true, full and exact Accounts of your proceedings, and of all other Transactions and Occurrences in, or about the Provinces, or any of them.

G. R.

From Secretary Popple of the Lords of Trade to Governor Burnet—relative to vacancies in the New Jersey Council.

[From P. R. O. B. T., New Jersey, Vol. XIV, p. 116.]

L^r^ from the Secry to M^r^ Burnet, Gov^r^ of New Jersey.

*To W^m^ Burnet, Esq^r^*

Sir,

My Lords Com'is^rs^ for Trade & Plant^s^ com'and me to acquaint you, that they have recom'ended James

Alexander & James Smith Esq^{rs} to supply the places of M^{r} Gordon & M^{r} Byerly in the Council of New Jersey, as you desire in your Letter of the 25th May last; But that as to M^{r} Anderson, whom You have suspended; Their Lord^{ps} have agreed to consider further your Reasons for the s^{d} Suspension before they report to his Maj^{tys} thereupon. I am,

Sir, Your most Obedient & Most humble Servant,

A: POPPLE.

Whitehall July 18: 1722.

Copy of an Order in Council of the 19th July 1772 appointing James Alexander & James Smith Esq^{rs} to supply 2 Vacancies in the Council of New Jersey Occasioned by the Death of M^{r} Gordon, & Absence & Incapacity of M^{r} Byerly, upon a Representation of this Board of 5th July last

AT THE COURT AT KENSINGTON,
the 19th day of July 1722
PRESENT
THE KINGS MOST EXCELL^{T} MAJESTY IN COUNCILL

Upon reading this day at the Board a Representation from the Lords Comm^{rs} of Trade and Plantations, dated the 5th of this Instant in the Words following viz^{t}

"M^{r} Burnet Your Maj^{tys} Gov^{r} of New Jersey having informed Us that there are two Vacancies in the "Councill of New Jersey by the Death of M^{r} Gordon "in the Eastern Division, and by the constant Absence and incapacity of M^{r} Byerly in the Western "Division; We humbly take Leave to Recommend "James Alexander and James Smith Esq^{rs} to Supply

"the said Vacancies, being Persons every way Quali-
"fyed to Serve your Majesty in that Station.

His Majesty in Councill taking the Same into Consideration, Is pleased to Approve thereof, and to Order, as it is hereby Ordered, that the said James Alexander, and James Smith Esq^{rs} Be Constituted and Appointed Members of his Majestys said Councill of New Jersey, to supply the said Vacancies:—And the Right Hono^{ble} the Lord Carteret, One of his Maj^{tys} principall Secretarys of State is to prepare the usuall Warrant or Warrants for his Majestys Royall Signature accordingly

A true Copy
ROBERT HALES.

Governor Burnet to the Lords of Trade—transmitting sundry Acts of the New Jersey Assembly.

[From P. R. O. B. T., New Jersey, Vol. III, E. 14.]

Letter from M^{r} Burnet Gov^{r} of New Jersey with Observations upon Six Acts pass'd there May 5th 1722.

New York Oct 3^{d} 1722

My Lords

I now send your Lordships the acts which were passed in the last meeting of the Assembly of New Jersey, which are six in number, engrossed on parchment & under the great seal of that province.

1 the first is an act for the support of Government for five years, which is formed in the same manner with those passed in Brigadier Hunters time except as to the term which was then usually for two years only, & once for three.

2 the second is an act for the security of His Majestys Government; which was made to ascertain the

manner of tendring the oaths enacted by parliament to all suspected persons in New Jersey. It particularly recites the dangerous consequences of disaffected persons intermedling with the framing of Laws and clandestinely conveying such draughts so as to have them brought in to the council or Assembly. & It orders such delinquents to be forthwith proceeded against according to Law.

This act was such a blow to the Jacobite party there, that tho I have not yet made any use of it they are become very modest and humble, & I expect little trouble from them for the future, I need not repeat the occasion of passing this act of which I have already inform'd your Lordships fully in my letters of the 25th May & 17th June last.

3 The third is an act for regulating the Militia, in order to settle the times of their meeting to be exercised & the penalties of the defaulters which is almost on the same foot it was in Brigadeer Hunters tho' rather stricter.

4 The fourth is an act that is intended to prevent the Multiplicity of Law suits which was vehemently pressed by the Assembly, and does not seem attended with any ill Consequences.

5 The fifth is an act to prevent the Killing of Deer.

6 & the last is a private Act

I should have sent your Lordships these acts sooner had it not been for my long stay at Albany where I have met the Indians in company with the Governours of virginia and pensylvania, & ended every thing to our satisfaction But could not come away till the end of last month.

Captain Holland has since my return hither delivered me your Lordships most obiging letter of the 6th June last, which contains so many instances of your Lordships favourable sentiments of my proceeding; that I can never sufficiently express my thankfulness

for them, & shall endeavour to deserve their continuance to the utmost of my power.

The sudden departure of this conveyance with the application necessary to the affairs of the assembly now sitting, obliges me to defer the account of our transactions at Albany to my next.

I send your Lordships the prop: of the Indians in Nanfans' time at length, it is a plain claim not only as far as Niagara, but to the detroit called by them Frughsaghrondie, which lyes between the Lakes Erie & Huron.

I am with great respect, My Lord
your Lordships most dutifull & most obedient
humble servant
W. BURNET.

Letter from James Alexander to Ex-Governor Robert Hunter.

[From Original Draft in "Rutherfurd Collection," Vol. IV, p. 15.][1]

Honoured Sir

I had the honour of Yours of August 8th & Augt 10th by Mr Hamilton. I wish it had been in my Power to remitt Your money to greater advantage for You then the way I have done but I assure You it was not, And that other good bills in York could not be had under 70 & 75 which I hear Sum have Paid, but this rise of Exchange both Mr Haskel and I can assure you is not So Suddain a thing for it was at Sixty & Sixty-five before you left this Province and we both Dare charge our memories So far that you have had Sixty for Your bills and I think it was at that rate that Coll° Depeyster

[1] The original draft is in Mr. Alexander's hand-writing, but without date. It was probably written in the Autumn of 1722.—ED.

drew upon You for payment of the forces and that at the same time Your bills with a Litle pains might have brought Sixty five which was an argument I used with Mrs DePeyster against allowing Commissions. You very well know Sir that bills are Pretty hard to be gott in New York and the Governor declared he could not Draw at that time under Six months Sight and to have Stayed for Your Special Directions for remitting would have made the remedy worse then the disease. Therefore I was oblidged & Mr Haskell & I thought it most Prudent and certain to take them from the Governour as wee Could get them; I begg if You can think of any More advantagious way to Command me in it for there's nothing I shall do more Chearfully then obeying Your Commands.

I am very much concerned that it should have been insinuated to You that Divisions in these Provinces Increase for I can with a great deal of truth and Pleasure assure You that I know not nor have heard of a time wherein has appeared more animity good likeing & Content then has in these Provinces for almost this Year Past And that ever Since the Governours arrivall in New York he has had no Extraordinary opposition or Difference there nor any other but the Same with the Same folks & for the Same reasons which You had and that opposition is So very much Disminished that that Party can Scarcely carry four Votes in the Assembly Even with the addition of Mr Philipse to that body wherefor you may Easily guess how groundless that Suggestion is as to New York which is the Chief Matter.

And as to my Sincere Sentiments about the Jersey Difference which You're Pleased to Desire I am Sorry to tell You they're that Doctor Johnston is not So clear in that matter as he Declares & that would he have had no hand in them there would have been none and what have been have only tended the more to

Instill an affection to the Governour amongst the People and a Dislike to most of that his first Assembly & their and abettors what So grossly abused him.

It would take some Sheets to write at Length my reasons for this opinion which would be but troublesome to you to read I shall therefore Confine my Self to a few hurts [hints?] of the reasons.

You know the Doctors temper and the Inclination to direct & if this could to you Appear how much more to one whom he lookt on as one that ought to be his Pupill.

The Doctor (by George willocks I believe) has been Drawn in to be owner with Willox of Diverse Large tracts of Land in Jersey under the name of the tenth Part of their number of acres which tell of Late Years never appeared tho often Suggested Particularly one on the North Branch of Rariton which Contains thirty thousand Acres of Valuable Land under the name of three thousand one hundred & fifty Acres & it appeared that about the time of the Date of the Patent for that Tract that Diverse Patents had been Delivered blank by the Gover[r] to his friends to Some more Some fewer of which blank Patents Effingham Townley Shewed one to hundreds of People which he found amongst his fathers Papers and John Barcly acknowledged to have had Seven & that he had got the Lands filled up in them According to the Directions the Governour gave him and he Declared (and I verily beleive him) that he never made an Ill use of them whatever other people had done. To Salve this matter before it came out the[y] Endeavoured to have a Charter of incorporation from You vesting the whole Lands & Priviledges granted by the Duke of York to the Proprietors in that corporation which was Drawn in Such a manner as the Proprietors Liveing in and about Amboy would have been Sure to have been the Offi-

cers of the Corporation and had the Disposal of all the Lands and that without any obligation (even So much as that of an oath) to Do Justly or Render an Account this got and an Act of Assembly Confirming it would have Effectually Secured what Lands they had before got and in reality given them all the rest.

The Docter and his friends bent on the Scheme & Presumeing upon his influence with the Governour & assembly went to Burlington to the Assembly with the Governour Entertaining him Very much with his power over the Assembly how he has Defeated Governours with their assemblys how he had gained them their Ends when they applyed & Nameing Instances in the time of Lord Loveless and Ingoldsby and telling him of his Power over Such and Such members of the then Present Assembly but all this time had not (I beleive) talkt one word of Charter or Act to the Governour nor did not tell the Second Day (I think) that they were at Burlington, when the Governour and they were at Dinner at M^{r} Basses. The Docter Publickly at Table Said that *this assembly we must have an incorporation of the Proprietors & an act to Confirm it*, whether it was that the Governour Did not receive this So well as wished or what Else could be the occasion I know not but Some Little Dryness Soon Insued & Isaac Sharp whom the Docter had Promised for (tho when he came up to Burlington he had Sent his horses home) was for Dissolving the Assembly & going home Immediately & headed fourteen of the Assembly for that Purpose (Severall others of which the Docter had also promiss'd for) in Pretence that it was the Priviledge of the Country to have a New assembly with a New Governour and Diverse of these frankly told that the Docter had given them Privately his opinion So, which whether they S^{d} True or not I cannot tell but it Soon Created a greater Suspicion together with this that the

Docters friends in the Council who were a plurality did not Seem hearty in any of the Governours measures.

The Governor afterwards Suspected that the Stiffness of the Assembly in Sticking to not above two Years Support might be occasioned by the Docter and his friends whether it was or not I cannot tell but Severals of them in Argument with the Governour frankly acknowledged it was their opinion that it was not prudent in an Assembly to give more & that the Governour ought to be Dependant on the people which he could not bee, had he along Support. All this time the Docter and his friends were most conversant with Isaac Sharp and his People in Pretence it was to gain him & them over (tho the Governour had taken all the Commisions from him at the Beginning) which Pretence (considering the Success) could not go Down with the Governour for a truth when he told and Prest it to them that the Contrary measures was the only way to do with Sharp & their measure the way to uphold Countenance & Confirm him in his obstinacy by and by news came that M^{r} Willocks was comeing to Burlington whereupon the Midlesex Members told the Govrn^{r} that he would put the assembly mad if he got amongst them and that you have (Particularly at Crosswiks Desired his absence from an Assembly whereupon the Governour told the Docter if he had any regard for his friend M^{r} Willocks that he should Send to meet him to Desire him not to come the Docter promised it and Sent But M^{r} Willox forthwith came to Burlington very much affronted that the Govern^{r} Should Presume to desire his absence and gave his tongue Liberty to talk openly against the Governour & to tax all his Conduct Some Part in my hearing & for Several Days Isaac Sharp and his folks were very conversant at his Lodging till one night in Company with Coll^{o} Morris & Diverse other at the Tavern

he was pleased to tell Coll.º Morris that in three Days time he could over Sett the Governour whereupon Coll.º Morris at first threatened to Send him to goal but afterwards told him to get him gone next day by ten aClock, or Else he certainly Should. The next Day M.r Willox was brave and would not goe wherefore the Governour about Twelve Sent a Warrant for him & had him bound over which all Still raised the Governours Suspicion of the Docter & his friends. The Governour finding the Last address that that Assembly made to be a Little Different in Stile from the rest did Suspect one of the Docters friends for the Drawer of it whom he Plainly askt the question of whether he had not helped them in it and he frankly acknowledged that he had given William Lawrence a draught of one but that the Assembly had So altered it he could not know it to be his and Severall times threatned to get that Draught to Show to the Govern.r but to this Day has not as I believe. Soon after that the Governour moved the Assembly to Amboy to See what they would Do there but there they were Turning worse and worse Continually Conversant at Willoxs and the Doctors & were making up a remonstrance where upon they were Disolved.

All this time the Governor made no open breach with the Docter but Could not think him his friend tho the Docter all that time gave the utmost protestations of Service & friendship & Yet was Seen to take his leave affectionately of Isaac Sharp at the Desolution of the Assembly & Isaac was heard to Promise him that for the next Assembly he Should either come himself, member for Salem or could Send as good a man in his Room.

In the fall the Govern.r Came Down to Amboy to Issue writts for a New Assembly at which time the Governour desired it as a favour of the Docter that he would not medle himself in the Elections & particu-

larly that he would not oppose Mr Eiers & Harrison for Amboy who had Been his first friends all the Last Assembly which last I heard him Promise faithfully not to doe but the Docter & Mr Willox were very diligent in vesting the Hartshornes Lawrences Ogden & Bunell & others Yours and the Governrs Enemies Still with the Pretence for the Governours Service And Willox & Andrew Johnston the Docters Son appeared at Essex and voted for the Last mentioned against the Persons the Governrs friends had Sett up & immediately upon the back of that Sends the Docter a Letter to the Governour telling him he Designd for his Excellencys Service to Set up for Amboy which double dealing the Governour could no Longer bear but frankly taxes him (by a Letter in Answer) with all his Double Dealing with the Breach of his honour and Promise by opposing the Amboy members & told him that if he presisted in that resolution he would Look upon him as the head of the Party that has all along opposed him and that if he was chosen & could Serve him he would Slight his Services then began the Docter to do that openly which formerly he was Suspected of and in a day or two after the receipt of that Letter came up to York where for Severall days he was carressed by and those of that Partys for Severall days, every day dineing & Supping at one or other of their houses or at a tavern with them, all which time he came not near the Governr on the Election day the Governor had Sent down some of his friends in his Schooner to See how the Election would goe & if Possible to gett Eirs & Harrison Chosen & to convince the Docter & all the world that if he was Chosen it was in opposition, but the Docter had taken So much pains Privatly to be chosen that he had there above three hundred freeholders most of which out of Monmouth Somerset & Hunterdon to Whom him and his friends had given Small lotts of Land in Amboy.

It happened that Day that the writt of Election was got away from the Marshall of Amboy who thought it Proper to get after his writt which Stopt the Election for that time. His Excellency was very sorry for this Accident and checked the Marshall for Carelessness of his writt and forthwith ordered new and Due notice that there might be a fair Election which accordingly was had & the Docter and Andrew Radford chosen[1]

The Docter was Chosen Speaker almost unanimously and began to play his old game of Protestations of Services but that had not Long gon on before Ogden & Bunell & Some others whom he thought fast friends Left him & Declared that abhorrence of him to the Govern[r] for his Double dealing and all his intruges with them which with the Govern[rs] own fast friends made him Strong enough to have carried almost every thing he pleased Last Assembly all the time Slighting the Docter the Latter part of the time of the assembly going very Smooth & fairly turning the Canon upon the Docter in every of his Projects—at first the Docter had gott a bill past the assembly concerning the Trinity & the holy Scriptures worded in Such a manner that the Popes Inquisition would have been but a fool to it this was rejected & in its place was past the act for takeing the oaths to the Government—another Act that Such persons that held offices of Profit & trust Should give Such & Such Security for the due Performance of their office worded in Such a manner that the King or Gov[rs] appointment of Officers would have been but of Little force.—Another Act was Past there Concerning Sherriffs all which were rejected by the Councill, Also another concerning Surveys which tho it could not have Secured to them their vast tracts yet

[1] This was the eighth Assembly, 1721-1722. The records at Trenton make Samuel Leonard, the member with Johnston, instead of Radford.—Ed.

would have Secured to the Doctor about Twelve thousand acres but was amended & Past by the Council So as that it will bring him & Mr Willocks to do Justice concerning their Exorbitant tracts as before is mentioned & had the Assembly but Sett a Little Longer I believe it would have been infallibly Past by them as amended which bill is what the Docter & his friends have dreaded & rather then it Should be past it is their intrest that no assembly Should ever agree to pass any bill—And in as good friend Ship with the Govr as possible Could be did the Assembly go home upon an adjournmt after giveing him the usall Support for five Years & Since that time I beleive never was less division or disquiet in Jersey.—

From all which You can Judge how true that Suggestion is that our divisions Increase & whether Docter Johnston can with a Safe conscience Say he had no hand in them, well may he renounce all hand in them for what he had has tended much to his dishonour & hurt to the ruining his Intrest which before I must say was not Small I am only heartily Sorry that a Gentleman for whom you had a regard Should have been so unfortunate as to fall in with Willox in these Large tracts and the better to keep them on failing of their first Scheme Should almost Lye under a Necessity of Stopping the agreemt of any Assembly for fear of forceing him & his friends to do Justice. * * * *

I'm afraid I have very much trespassed upon Your patience in this long & but unpleasant detail however I hope Youl pardon it because Your Commands have Led me into it & tho I resolved brevity Yet I could not get Sooner out of it.

* * * * * * * * *

Your Most obedient & most
Oblidged humble Servt

Governor Burnet to Lord Carteret—relating to Gold and Silver Mines in New Jersey.

[From P. R. O. B. T. New Jersey, Vol. III, E. 11.]

Extract of a Letter from Gov^{r} Burnet to the R^{t} Hon^{ble} the Lord Carteret, dated New York 12th Dec^{r} 1722. [rec^{d} with My L^{d} Carteret's Letter of 12th Feb^{ry} 1722–3]

It is confidently reported, that Silver & even Gold Mines are to be found in New Jersey. But there must be a great Allowance made for the humour that now prevails to run a Minehunting, & as I have yet nothing but very suspicious accounts of such Discoveries of Royal Mines, I cannot pretend to give any opinion yet about the truth of them.

But I am inform'd that several persons have positively declared, that if they could be certain in whom the Title lay, & that they should have a reasonable share of them, they would make the discovery, & never otherwise.

These Discourses have made me enquire into the Grants relating to New Jersey; & what I find upon looking into the Records is,

That K. Charles the 2^{d} granted to the Duke of York all that Tract of Land from S^{t} Croix, (w^{ch} is a small River in Acadie or Nova Scotia) to Delaware Bay, within which Bounds New Jersey is included,

"Together with all the Lands, Islands, Soils, Rivers, "Harbours, Mines, Minerals, Quarries, Woods, "Marshes, Waters, Lakes, Fishing, Hawking, Hunt "ing, & Fowling, & all other Royaltys, Profits, Com- "modities & Hereditaments to the s^{d} several Islands,

"Lands & premises belonging & appertaining, with "their & every of their Appurtenances, & all our "Estate, Right, Title, Interest, Benefit, & Advantage, "Claim & Demand of, in, or to the s^{d} Lands or prem- "ises, or any part or parcel thereof, & the Reversion "& Reversions Remainder, & Remainders, together "with the Yearly & other Rents, Revenues & profits "of the premises & of every part & parcel thereof.

The Duke of York granted New Jersey in like manner to the L^{d} Berkeley & S^{r}. Geo: Carteret under whom the present proprietors claim.

There are in the Records of the Proprietors a great many Patents to be found, by which the first Gov^{rs}. & some of the succeeding Gov^{rs}. of the proprietors have, together with the Lands, granted all Silver & Gold Mines, reserving some times one, some times another certain share of them to the Proprietors.

And as the former Proprietors of New Jersey thought themselves intitled to the Silver & Gold Mines, so do the present Proprietors, notwithstanding that these Mines were not particularly named in the Grant from K. Charles to the Duke of York, the chief reasons they give for their Claim are,

1. Because these Words "All Mines Minerals &c^{a}. & "all other Royaltys & all our Estate &c^{a}. as they were in a Grant from the King to his Brother must be understood to give Silver & Gold Mines, for it could not be thought he intended to reserve them, since the same King in his Grant of Pensylvania & other of the neighbouring Provinces granted all Gold & Silver Mines, reserving one fifth. But it must be supposed that he intended to grant them entirely to his Brother without any reserve of any share, else he favoured Strangers to his Blood more than his Brother, the contrary of which is well known.

2^{dly}. Because say they, the Province of New Jersey at the time of that Grant was almost entirely in the

peaceable possession of the Indians, independant of the Crown of England, or any other whatsoever, & these Indians alone were intitled to the Lands &c^{a} and Silver & Gold Mines in them, & by the Laws of all Nations the K. of Great Britain had not then, or could not claim or grant any thing in or of New Jersey, but the liberty to treat with the Owners thereof, w^{ch} must at least be intended to be fully given by that Grant to the Duke of York. And further it could not operate than to grant what the King had. And after the purchase of all the Lands of the Indians, the purchasers became vested with all that the Indians had to sell, in which the Gold & Silver Mines were included.

These are the chief reasons I have heard given for the Proprietors Right to the Gold & Silver Mines, without acknowledging any Reservation still vested in the Crown.

But the generality of People are so uncertain whether this Claim of the Proprietors is well grounded or not, & the opinion of Lawyers here so various, that the discoverers of Mines don't know how to secure themselves of a certain Share, in consideration of their Discovery, & till it shall be known what Claim the Crown may have, or how far the Proprietors are invested with the Right to those Royal Mines, the whole matter is likely to stand still & remain a Secret, tho' there should be a Reality in the common Report.

If therefore this Question could be resolved by His Ma^{ty,s} Council learned in the Law

What Right & Title is remaining to His Ma^{ty} in the Gold & Silver Mines, if such there be in New Jersey, and how far the present Proprietors have the Right in the s^{d} Mines, according to the several Grants, all upon Record in Great Britain.

Y^{r} Lo^{p} may then possibly take into your Consideration what Orders it may be proper to obtain from His Ma^{ty} to his Government of New Jersey, & what Claim

is to be made in His Ma$^{ty's}$ Name, if any such Mines are found, or if the Royal Mines are thought to be still entirely vested in the Crown, what Encouragement His Ma^{ty} will order to be given to the Discoverers.

Letter from the Council of Proprietors of the Western Division of New Jersey to James Alexander.

[From Papers of James Alexander, Surveyor General, in Rutherfurd Collection.]

Burlington May 9th 1723

Sir,

I am Directed by the Council of proprietors to Notify Their Continuance of you as Surveyor Generall They being well asured of your Integrity ability, & Reddy Concurance with their orders in Such Maters as appertaine to the Duty of your office They have Likewise ordered Mee to advise you that the Councill have appointed to Meet in This Town y^{e} Tenth day of June next on Some very Extroardinary affairs at which time & place They very Earnestly Request your Company & attendance. In The Mean time For Many & urgent Reasons—which you^{ll} understand at their next Meeting), you are Desired not to Contribute to or assist the Managers or Commissioners of Either Devision in Running & ascertaining the new Line Designed to be Run and afixed by them, Till you have Mett with Discoursed And Received further Instructions from this Councell here

You Are Moreover Desired by the Councill to bring with you Such papers & Drafts as are in your Custody or Can be Readely procured by you in Relation to y^{e} fixing the north partition point And other Matters Concerning the Runing of the P^{o} Line And if the Managers urge or Insist on y^{e} Runing of the Same before the Tenth of June next or to your Knowledge are

Taking Any Measures in order Thereto please to Inform the President M^r^ Cox Thereof in a Leter Directed to him at M^r^ Bustills in Burlington.

Howsoever the Councell Desire you would by the first post Inform the president whether you Can attend y^e^ time appointed your Complyance in which is of very Great Consequence to the proprietors of this Devision And will very Much increase y^e^ Esteem they have Already Entertained of you

I Am With Much Respect your Servant

TILAN LEEDS Clark

By order of the Councell To James Alexander Esq^r^ in New York These

Memorial of Merchants and others to the Lords of Trade—relating to proper improvements in the production of Naval Stores in the colonies.

[From P. R. O. B. T., Plantations General, No. 8, L. 44.]

To the Right Hon^ble^ the Lords Commiss^rs^ for Trade & Plantations.

The Memoriall of the Merchants & others Trading to his Maj^ts^ Plantations in America.

Sheweth

That by an Act past last Sessions of Parliament for a farther Encouragement for the Importation of Navall Stores from the plantations a Liberty is given to Import Hemp, Plank Deals Sparrs & all Sorts of Lumber, Duty free, And a Direction that no Præmium be paid for Tarr, after the 24^th^ Sep^r^ 1724 unless it be made From Trees prepared as the said Act describes.

That the Inhabitants of his Maj^ts^ Plantations of New England, New York, the Jerseys &c are very Little if at all acquainted with the proper Methods of Sowing or Curing Hemp, or of preparing Trees For making

Tarr Fitt For Cordage Farther than From the Directions given in the said Act.

That the Præmium on Tarr Imported From the Plantations ceasing in Sep^r 1724 as aforesaid tis not probable the Inhabitants will prepare any Trees this Spring knowing the Præmium granted by the present Act will not be allow'd unless the Tarr be made in the Manner therein prescribd to which they are almost entirely Strangers; And as these Trees after they are prepar'd ought to stand two Years before they are Fitt For making Tarr, None can be Expected From the Plantations if the Inhabitants be not Forthwith Instructed in this New Method. Nor will any hemp be raised there, tho' the Duty upon it, is now taken off & that there are many thousand Acres Fitt For the Produce of that Commodity, the Inhabitants being Ignorant of the Method of Sowing & Curing it.

That your Memorialists are desirous to promote, and Carry on this Trade, whereby the Navigation of that Kingdom wlll be encreas'd, & the Royall Navy as well as the Nation in General be Supply'd with Naval Stores From our own Plantations, which are now Imported from Forreign Parts.

That they conceiving this Act will be ineffectual For the reasons above mention'd, humbly propose some person well Skilled in Raising & Manufacturing the severall Speices of Navall Stores, And who is well acquainted with those Countrys may be Forthwith appointed with sufficient power to Instruct the Inhabitants & Conduct this Affair, which is of the greatest Consequence to his Maj^ts Dominions both here & in the Plantations.

All which We submit to your Lordships Serious Consideration

[Rec^d May 24^th 1723] [Signed by twenty individuals]

From the Lords of Trade to Governor Burnet.

[From New York Col. Docts., Vol. V, p. 697.]

To W^m^ Burnet Esq: Gov^r^ of New York

Sir, [Extracts.]

* * * * * According to your desire we recommended Abra: Van Horn and W^m^ Provost to supercede M^r^ Abra: De Peyster and John Johnston[1] in his Maj^tys^ Council of New York and the said Abra: V. Horn & W^m^ Provost have been appointed Councillors accordingly. * * * * * * * * * *

The several Acts passed in New York and in the Jerseys which you have transmitted to us, lye now before M^r^ West for his opinion thereupon in point of law And when we have his report thereupon we shall take them into our consideration.

In your letter to us relating to the Government of the Jerseys You give us an account of an attempt to distroy y^e^ Sec^ry's^ right which was prevented by you wherein We approve of your conduct, it being agreable to your instructions on all Just and reasonable occasions to grant your countenance and protection to persons holding their employments by Patents from the Crown.

[1] Governor Burnet had married a daughter of Mr. Van Horne, and, under date of June 17th, 1722, when nominating the successors to him and John Johnston, he said of the latter: "He has without any leave obtained under the Hand and Seal of any Governor or president, now resided for above two years last past in New Jersey & has had his whole family so long established & settled there and has no thoughts of returning to this province & who is besides all this the very person who has fomented all the mischief in conjunction with Willow [Willocks] the Jacobite." Mr. or Dr. John Johnstone was one of the passengers on board the "Mary & Francis," that came to New Jersey in 1685, under the auspices of George Scot, whose daughter Dr. Johnston married. Perth Amboy became his permanent residence and he died there September 7th, 1732, highly respected.—See Whitehead's Amboy, pp. 68–71.—Ed.

We have recommended James Smith and James Alexander Esq[rs] to succeed M[r] Gordon[2] and M[r] Byerly in the Council of the Jerseys and his Majesty has been pleased to approve of them. So We bid you heartily farewell, and are

Your very loving friends & humble Servants

WESTMORLAND
J. CHETWYND
T. PELHAM
M. BLADEN

Whitehall July 9, 1723.

Additional Instruction from the Lords Justices to Governor Burnet—not to approve of private acts without public notification of the parties.

[From Original in N. J. Historical Society Library.]

BY THE LORDS JUSTICES

W. CANT,—MACCLESFIELD C
GRAFTON—ROXBURGH
CADOGAN—R WALPOLE
CARLETON P.

L. S.

Additional Instruction for William Burnet Esq[r] Captain General and Governor in Chief in and over His Majesty's Province of Nova Cæsarea or New Jersey in America, or to the Commander in Chief of His Majesty's said Province for the time being. GIVEN at Whitehall the 23[d] Day of July 1723 in the Ninth Year of His Maj[tys] Reign

WE do hereby in His Majesty's Name, direct and require that You do not give Your Assent to any

[2] Mr. Gordon died April 28th, 1722.

Private Act until Proof be made before you in Council (and entered in the Council Books) that Publick Notification was made of the Party's Intention to apply for such Act in the several Parish Churches where the Premises in Question lye, for three Sundays at least successively before any such Act shall be brought into the Assembly. And further you are to take Care, that for the future you do not pass any Private Act without a Clause inserted therein, suspending the Execution of such Act, until His Majesty's Royal Approbation shall be had thereof.

Attorney General's Report to the Lords of Trade—on proposed alterations in the constitution of the New Jersey Assembly.

[From P. R. O. B. T. New Jersey, Vol. III, E 15.]

To the Right Hono'ble the Lords Commissioners for Trade and Plantations.

May it please your Lordships,

In humble obedience to your Lordships Commands Signifyed to me by M^{r} Popple by his Letter dated the 14th day of June 1722; that I should Send your Lordships my opinion, Whether His Majesty may Legally alter the present Constitution of the Assembly in New Jersey, in such manner as M^{r} Burnett His Majesty's Governour there says in his Letter would be for His Majesty's Service, and in what manner it might be most properly done, (for which purpose the Extract of M^{r} Burnetts letter, and His printed Speech to the Assembly, in which is Sett out a true Coppy of His Instruction, And the Printed Acts of that Collony were sent to me and are herewith sent back to your Lordships) I have read over the said Extract of M^{r} Burnetts letter, His speech, and the Act of Assembly supposed

to have been pass'd in Lord Lovelaces's time in New Jersey—page 5. Intitled an Act for Regulating the Qualification of Representatives to serve in the General Assembly in the Province of New Jersey—and Considered thereof.

And I Certify your Lordships, [that as the Right of sending Representatives to the Assembly, & the Qualification of the Elector and Elected (for anything appearing to me) were founded Originally on the Instructions given by the Crown to the Governour of New Jersey, and as is observed by Mr Burnett has already received alterations by different Instructions given in Lord Cornburys time, and the Election, which before was left in all the Freeholders of East and West Jersey respectively to Chose 12: Representatives, was altered and fixed in the Method now Established, as those new Instructions given in Lord Corbury's time made the Alteration which at present is in force, so I am of opinion by the Same Reason by New Instructions to be given by His Majesty, His Majesty may lawfully make such new Establishments as to the Electing, and sending Representatives to the Assembly, as Mr Burnett in his Letter desires, and Indeed the reasons used by Mr Burnett in favor of such an Alteration Seems to me to have a great weight.—But if there had been any Act of Assembly passed & approved by His Majesty, whereby the Manner of Chosing Rep'sentatives and the Qualifications had been fixed, that would have had a different effect, but nothing of that nature appears to me, for as to the Act said to be passed by Lord Lovelace, it being an Act contrary to the Instructions, and never approved by the Crown, seems to me voyd; which Mr Burnett has observed in his Letter—Therefore upon the whole matter, I apprehend His Majesty may in point of Law Comply with Mr Burnetts request in Impowering the the new County of Hunterdon to Send 2: Representatives,—& Restrain

the Town of Salem from sending any Representatives for the future, If it shall be His Royal Pleasure so to do, and the Manner whereby it may be done, I conceive it may be by His Majesty's sending His Governour there new Instructions for that purpose.

All which is humbly Submitted to your Lordshp's great Wisdom.

7ber 16: 1723 ROB: RAYMOND.

Opinion of the Attorney General and Solicitor General as to the ownership of Gold and Silver Mines in New Jersey.

[From P. R. O. B. T., New Jersey, Vol. III, E 18.]

To the Right Hono'ble the Lords Commissioners of Trade and Plantations.

May it please your Lordships

In Obedience to your Lordships Commands Signifyed to us by Mr Popple and Requiring us to Consider the Annexed Extract of a Letter from Mr Burnet Governour of New Jersey Dated the Twelfth day of December One Thousand Seven Hundred and Twenty Two in Relation to Gold and Silver Mines said to be found there, And to Report Our Opinion in point of Law what Right and Title is Remaining to His Majesty in the said Gold and Silver Mines, and how far the present Proprietors have the Right in the said Mines according to their Severall Grants, We have Considered the Case as Stated in the said Extract of the Letter Transmitted to us, and have looked into the Charter Granted to the Proprietors of New Jersey, And doe Certifye your Lordships that we are of Opinion that by the said Charter only the Base Mines within that Province passed to the Grantees, and that the words of the Grant are not Sufficient to carry Royal

Mines, the property whereof Still Remains in the Crown notwithstanding anything that has appeared to us; But we begg leave to inform your Lordships that we have not heard the Proprietors or any Person on their behalf upon the Subject matter of this Reference not being Directed by your Lordships soe to doe.

All which is Submitted to your Lordships Judgment

ROB: RAYMOND
P: YORKE

Nov^{r} 30, 1723.

Letter from Governor Burnet to the Lords of Trade.

[From N. Y. Col. Docts., Vol. V, p. 700.]

New York 16 Dec 1723

My Lords [Extract.]

* * * * * * * I am now Just return^{d} hither from holding an Assembly in New Jersey where I have obtained a fund of one thousand pounds per annum, for ten years, for an additional support of Government, besides about 6000 pounds more which will be due to the publick at the end of ten years and is to be applyed to the support of Government, when it comes in, it is true that by this Act there is more care taken for the time to come than the present, for the deficiencys of the present support of Government have obliged us to anticipate upon the four first years of the Tax of £1,000 P^{er} Annum

This provision for the support of Government arose from the violent Bent of the whole body of the People to have paper money which by my late Instruction can only be made in Acts for the support of Government Now as New Jersey has little or no foreign Trade, but only with the two neighbouring Colonies of New York

and Pensylvania which have both paper money— The people of New Jersey can get nothing from these Provinces but the Paper Bills for their Produce and yet these are not a legal Tender in Taxes or Debts between man & man in Jersey and so they really had nothing to pay them in and were under a necessity of making Paper Bills of their own, which are indeed on the best foot of any in America and are all to be sunk in ten years time.

As I cannot at present get the acts of New Jersey engrossed and printed soon enough to transmit to your Lordships, I will not trouble your Lordships with the particulars till the Spring I shall only add by way of instance of the success of such currency, that the Paper money of New York is now in as great value at New York as the coin of Great Britain is at London for an ounce of Spanish Peices of eight is worth but six pence more than a paper Bill of eight shillings which was struck from an ounce, and an ounce of Spanish Silver is generally worth 3^d or 4^d sterling more than the Coin because of the benefit of exportation to the East Indies and by this paper currency which I humbly conceive is much securer than Bankers Bills in London they carry on business among themselves and send home all the Gold and Silver to great Britain as it comes into them by trade when I apprehend to be an advantage which Great Britain would not have so much of if there was not paper among us. * * * I am

My Lords your Ldps mo.
dutiful & obedient Servant
W Burnet

P. S.—I have got two addresses from the Printer to send your Lordships, one in answer to my speech to the Assembly in New Jersey which is printed in the same sheet

Another to obtain a Cheif Justice on which being printed they doubled his Salary, and so he is to go the

circuit which the late Chief Justice M[r] Jamison was neither able to go for age nor could afford to do it for £100 Salary which was all they could be brought to allow a cheif Justice residing in New York

The present Cheif Justice M[r] William Trent[1] is universally beloved as your Lordships may observe by his being chosen their Speaker and I doubt not will answer my expectations in executing the office

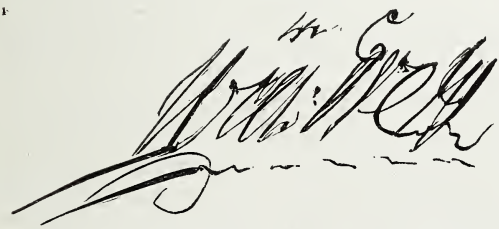
[Received with the foregoing.]

To His Most Excellent Majesty

The most humble Address of the Governour Council and Representatives of the Province of New Jersey; In General Assembly Met and Conven'd.

Most Gracious Sovereign

We Your Majestys most dutifull and loyall Subjects the Governour, Council and Representatives of your

[1] 

was born in Scotland and emigrated at an early age from Inverness to Philadelphia, where he became a merchant. The house occupied by him was still standing a few years ago, and at one time was the residence of William Penn and his family. Although not a lawyer by profession, his high character for integrity, his sound sense and business qualifications raised him to the bench of the Supreme Court of Pennsylvania and Speaker of the House of Assembly of that Province. He first became interested in New Jersey in 1714, when he purchased eight hundred acres of land, upon a portion of which the city of Trenton, the capital of the State, now stands, perpetuating his name. In 1721, having taken up his residence on this tract, lying on both sides of the Assanpink, he was chosen to represent Burlington County in the New Jersey Assembly, and was appointed Speaker in 1723, as stated in the text. He took his seat as Chief Justice of the Supreme Court at Burlington in 1724, succeeding David Jamison, but died suddenly, from an attack of apoplexy, on December 25th following, universally beloved and lamented.—Field's Provincial Courts, pp. 105, 106. Watson's Annals of Philadelphia, Vol. I, p. 165. Barber & Howe's N. J. Hist. Collections, p. 283. Raum's Trenton, p. 71.—Ed.

Majestys Province of New Jersey in General Assembly met and Convened, Do with hearts full of Joy and Impatience to express it, lay hold on this first opportunity to Congratulate, Your Most Excellent Majesty on the timely discovery and providential disappointment of that most wicked and detestable Conspiracy, lately carried on against Your most sacred Person and Royal family.

If we have not the honour to be among the first in humbly addressing Your Majesty on this joyful occasion, we have the Satisfaction to remember that at the time when these traiterous designs were forming in Great Britain, this Province gave a singular instance of loyalty and zeal for the security of Your Majestys Government, by passing a Law to prevent disaffected persons from propagating their pernicious principles among us.

If the flattering expectations given by the Conspirators in Great Britain did then encourage a few of their faction to intermeddle clandestinely in our publick affairs, They found us prepared with Attention to detect, and Resolution to blast their seditious attempts.

Our distance from Your Royal Throne, does not render us wholly useless to the Defence of Your Majesty's Kingdoms, while our Toil and our Labour contribute to supply Your Royal Navy, But we must in vain lament the small returns of service which we are capable of making for the many Blessings we enjoy under Your Majestys wise gentle and prosperous Reign.

When we consider the establishing a General peace on a more solid foundation than ever was known, The obtaining a Redress of all grievances endured on account of Religion and the removing uncharitable distinctions and animosities among Protestants, both at home and abroad have taken their Rise in Your Maj-

esty's Councils, and their success is owing to, and their accomplishment expected from Your Majestys firm and generous Conduct, We should be unworthy of the Character of men, Christians and Britons, if we had not the indignation and abhorrence of those who can be so unnatural as to disturb the Reign of a Prince who is deservedly the Darling of the present age, and a pattern to Posterity.

These imperfect Expressions of the Admiration, Duty and Affection deeply engraven on our hearts with earnest prayers, That Your Majesties Life may be long, Your Reign undisturbed, Your Success universal, Your Royal Issue never fail, and Your virtues be acknowledged in this World, as they will be rewarded in the next, Are most humbly laid before Your Most Excellent Majesty.

By May it please Your MajestyYour Majestys mostDutifull and most Loyal Subjects.

Report of Mr. West, one of His Majesty's Council, to the Lords of Trade—on several Acts of the New Jersey Assembly.

[From P. R. O. B. T. New Jersey, Vol. III. E 15.]

Mr West's Report upon Several Acts pass'd in New Jersey in 1719. Recd Decbr 31st 1723.

To the Right Honourable the Lords Commissioners of Trade and Plantations.

My Lords

In obedience to your Lordships Commands I have perused and Considered the severall followeing acts passed in the province of New Jersey in one Thousand seven hundred and nineteen.

As to the Act Entituled An Act to restrain Extravagant and excessive interest.

This Acts seems to have been made pretty much in imitation of the severall Statutes passed here at home Concerning usury and therefore I have not any great objection to it in point of Law But as it may be fairly argued from the high rate of interest which money bears in that Country That Loans of money are much more difficult to be procured there than in England I would beg leave to observe to your Lordships That the makeing every Scrivener et^{c} lyable to a penalty of Twenty pounds who shall take any præmium for procuring the Loan of money larger than after the rate of half a Crown p'Cent seems to be something severe in its nature and an unaccountable Deviation from the Law of England in that Case For by the Statute of the twelfth of the late Queen Anne C: 16 by which the interest of money was reduced to five p'Cent Every Scrivener et^{c} is allowed for procuration a præmium of five Shillings for every hundred pound And as the reasonableness of those præmiums seems to be proportionable to the different rates of interest The reduceing of their præmium to two shillings and six pence seems to me to be very unreasonable. I mention this to your Lordships only as a Circumstance proper for your Consideration Since I cannot say it is, Strictly speakeing, any objection in point of Law

And as to the Act Entituled An Act for preserveing of Oysters.

As to the preservation of Oysters I have no Objection. Since it is Conformable to what has been formerly practised in England in paralell Cases But yet I think there are several particulars in this Act which render it not proper to be pass'd into Law. For.

1. It is Expressly intended to bind only persons Resideing not within the province.

2. As it does not appear in the act where the Oyster Beds lye persons not resideing in the province may have as good a right to take them as those that do. For if those Oyster beds are become the property of any private persons It may so happen that person resideing in another province may be owner of an Oyster bed in the province of New Jersey In this Case the Non Residents are deprived from makeing that use of their property which otherwise they would be entituled unto when at the same time the Inhabitants of that province are at liberty to gather them all the year round.

3 The remedy also provided by this Act is Extraordinary Since any one of the persons named in the Act or to be named by the Governour is impowered to detain and seize any Vessells belonging to Non Resident persons and upon the single oath also of one of those persons before any two Justices of the peace The Vessell is to be Confiscated and sold and be divided between the King and the Informer.

To make this act just it ought to appear That none but persons resideing within the province are Capable of being owners of Oyster beds within it And I also think that the persons whose Vessells are lyable to be forfeited by this Act ought not be bound by a Sentence pronounced in the first instance upon the single oath of a Resident officer within the province But he ought to have the benefitt of appealeing to some higher jurisdiction Neither do I think it just since the penalty in some Cases may be very Considerable in point of value That the party should in all Cases be debarr'd of the benefit of being Tryed by a Jury for the fact upon which the forfeiture is to arise And therefore I am of Opinion That this act is not proper to be pass'd into Law.

I have also perused and Considered the severall other followeing acts pass'd in the same province in

the said year one Thousand seven hundred and nineteen Entituled

An Act for the support of the Government from the 23^{d} of September 1718 to the 23^{d} of September 1720.

An Act for running the line of partition between the Eastern and Western Divisions and for preventing disputes Concerning the same and for secureing to the Generall proprietors of the Soil of each Division their rights and just Claims.

An Act to Restrain Tavern Keepers and Retailers of strong liquors from Crediting any person more than ten shillings.

An Act to prevent Clandestine Marriages.

An Act to prevent mistakes and irregularities by assessors and Collectors.

An Act for running and ascertaining the Division line between this province and the province of New York.

An Act for building Rebuilding Repaireing or amending of Bridges in the respective Towns and precincts. And

An Act to establish a Road laid out from the River Pasaick in the County of Bergen between the Farms of Jacob Walle'nse Van Wincle et^{c}

To all which I have no Objection to their being pass'd into Law. All which I humbly Certifye to your Lordshipps. And am,

My Lords

Your Lordshipps most Obedient and most humble servant.

24. Dec^{r} 1723 RICHD WEST

The Lords of Trade to the King—respecting the manner of electing representatives to the Assembly.

[From P. R. O. B. T. New Jersey, Volume XIV, page 128.]

Representation with the Draught of an Additional Instruction to Mr Burnet Govr of New Jersey about Altering the manner of Electing Representatives in the Assembly.

To the Kings most Excellt Majty

May it please Your Majty

Having received Several Letters from Mr Burnet Your Majtys Govr of New Jersey, representing to Us the necessity there is of making an Alteration in your Majty's Instructions to him, in relation to the Choice of an Assembly there, We beg leave to represent to Your Majesty, That by the Instruction first given for Settling the Election of Representatives in New Jersey it was Ordered, that all ye Freeholders of East New Jersey Should meet and choose 12 Men, and those in West New Jersey Should meet and Choose the like Number; But this method being found inconvenient it was altered by an Instruction to the Ld Cornbury, and Settled in ye following manner.

The Town of Perth Amboy in East Jersey chose 2, and each of the five Counties in that Division chose two. The Town of Bridlington [Burlington] in West Jersey chose two, and each of the four Counties in that Division chose two, as did also the Town of Salem.

Since which the Settlements of West Jersey having Spread considerably to the Northward, Bridlington one of the four Counties in that District, has been divided into two, one part retaining the old Name of Bridlington, the other distinguished by the name of Hunterdon, which are each of them as large and

Populous as any other Counties in that Province; But Hunterdon sends no Representatives.

Wherefore Mr Burnet proposes, that the Right of Electing 2 Members for Salem, a Small Fishing Town in the same District with these two Counties, Should be Suppressed, and that instead thereof the new County of Hunterdon Should have the liberty of choosing two Representatives, as all the other Counties both in East and West Jersey do.

Upon this Occasion, We have been attended by the Proprietors of the Jerseys, and having discoursed with them upon Mr Burnet's Proposal, We find they have no Objection to it. We have likewise had the Opinion of Your Majesty's Attorney and Solicitor Genl thereupon, and do humbly propose that Your Majesty may be graciously pleased to comply with Mr Burnet's request herein, for which purpose We beg leave to lay before Your Majesty the enclosed Draught of an Additionl Instruction, which We conceive will much conduce to the better Settlemt of that Province.

Which is most humbly Submitted

P: Doeminique
T: Pelham
M: Bladen
Richd Plum'er
J: Hobart

Whitehall Janry 7th 1723-4

Additional Instruction To Our Trusty & Welbeloved Wm Burnet Esqr Our Cap: General and Govr in Chief in & over Our Province of Nova Cæsarea or New Jersey in America Given at Our Court at St James's the—

In the 10th Year of Our Reign

Whereas by a Clause in Our General Instructions to you for the Government of Our Province of New Jer-

sey in America the Representat^{s}: for the General Assembly of that Province are appointed to be Chosen as follows viz^{t}: Two by the Inhabitants, Householders of the City or Town of Perth Amboy in East New Jersey, and two by the freeholders of each of the five Counties of the Said Division of East New Jersey; Two by y^{e} Inhabit^{s}: House Holders of the City or Town of Bridlington in West New Jersey; Two by the Inhabitants Household^{rs}: of the Town of Salem in the s^{d} Division, and two by the Freeholders of each of the four Counties in the Said Division of West New Jersey; But it having been Represented to Us that Several inconveniencies have arisen from the afores^{d} manner of choosing Representatives. It is Our Will and Pleasure, and you are accordingly to make y^{e} Same known in the most Publick manner, that the method of choosing Representatives for the future Shall be as follows viz^{t}: Two by the Inhabitants Household^{rs}: of the City or Town of Perth Amboy in East New Jersey, and two by the Freeholders of each of the five Counties in the S^{d} Division of East New Jersey; Two by the Inhabitants Householders of y^{e} City or Town of Bridlington in West New Jersey, and two by the freeholders of each of the five Counties in the Said Division of West New Jersey, Which persons So be be chosen make up together the Number of twent[y] four Representatives, as limitted by Our former Instructions.

Governor Burnet to the Lords of Trade—referring to Acts passed in New Jersey Assembly.

[From P. R. O. B. T., New Jersey, Vol. III, E 19.]

L're from Mr Burnet Govr of New Jersey & New York. Recd July 4th.

New York May 12th 1724

My Lords,

I am now to transmit to Your Lordships the Acts passed at Burlington in New Jersey on the 30th of November last which could not be engrossed and printed soon enough to be transmitted home by any of the Winter Ships, and this is the first opportunity that has offered since.

The first and principal Act passed during that Session, and what indeed left no time or room to mind anything else of any Importance, was,

An Act for an additional Support of this Government and making current forty thousand pounds in Bills of Credit, for that and other purposes therein mentioned.

The great necessity of this Act, as well to support the Government, as to enable the People to pay the Taxes, is setforth in the Preamble of the Act, to which I beg leave to refer, and to explain what is there only mentioned in general, I must observe to your Lordships,

That the Support of Government in New Jersey, was before this Act, in all but eight hundred pounds a year, which was so very insufficient; that some of the Officers of the Government were not paid at the rate of day laborers. By this Act there is a thousand pounds a year given for ten years, by a Land Tax, partly to enlarge the present Revenue and partly to provide for the Continuance of it, when the former Act expires, which will be two years hence.

Besides, it appeared that, in order to pay that small sum of eight hundred pounds a year, there was so little Silver of any sort in the Country, that the People were forced to cut their Spanish Gold into small bits and sometimes their rings & Ear-rings.

And likewise, That this Province having little or no Shipping or foreign Trade but relying wholly on Husbandry and raising Stock, are obliged to sell it to the Neighbouring great Markets of New York and Philadelphia in both which places there is a paper Currency and where the Merchants will pay the New Jersey People in nothing but paper Bills, that they may save all their Gold and Silver, to send home to England for Goods, as is their constant practise.

By all this it was manifest that New Jersey had no way to bring in New Specie into the Province, and the old was exhausted, and these Bills of neighbouring Provinces, tho' they pass in the way of Trade; were no legal Tender in paying the Taxes, nor in discharging private debts, but had often been refused, and would be so, unless they were made Current by a Law in New Jersey, which were made Current by a Law in New Jersey, which was neither so honourable, nor safe, as to make bills of Credit of their own.

So that it remained therefore as the only way to pay their present Taxes, or enable them to pay more, which were necessary to support the Officers of the Government to make Bills of their own, upon such a sure foundation, as to answer the end proposed and to promote the Trade and Industry of the Province, in proportion to their Neighbours who have all found the benefit of a paper Currency, while they have kept to their first Engagements; of which the Province of New York is a remarkable Instance, for in fact their Bills are now more valuable than they were upon their first making and are valued at a par with the Coin of England, which may thus be proved. An ounce of

Spanish Silver of Pillar or Mexico is worth in London, commonly three or four pence sterling more than English Coin, for the benefit of Exportation to the East Indies and the same ounce of Pillar or Mexico pieces of Eight, is worth but sixpence in New York bills above par, which sixpence is but four pence sterl: These bills having been made current at eight shill^{s} P. ounce.

If Carolina have suffered their Bills to fall into discredit, it has arisen first from the danger of the Province during the War with the Indians, which made the public debts to be looked upon, as desperate; and afterwards from their making new Acts, inconsistent and contradictory to their first Engagements, which it is no wonder if it has blasted their Credit.

The fall of the Bills in New England, which has never however been anything near that in Carolina, has arisen from their making continually greater quantitys of them, without any visible Method of reducing and sinking them.

The Reason why these Inconveniences have been totally prevented at New York, is because they have strictly observed their first Engagements as to their Bills, and have Been always reducing them gradually and have been sparing in making new ones, so that at this time there is not above fifty thousand pounds remaining of them, which is found insufficient to circulate the Trade & Business between man and man within the Province, the Specie, as I observed before, being imported from the West Indies, and kept to be exported to Great Britain, whither it could not be all carried, if there was not a paper Currency here at New York, which is therefore a manifest advantage to Great Britain.

2^{dly} The deficiency of the Revenue in New Jersey and the Want of Specie to pay the Taxes in, being the first grounds of making bills of Credit, It was to be con-

sidered in the next place, in what manner it would be consistent with his Majesties additional Instruction of the 27th Sept.r 1720 whereby, "Acts are not to be as-"sented to, for stricking or issuing Bills of Credit with-"out a Clause, declaring, that the same shall not take "Effect, untill approved and confirmed by His Majes-"ty Excepting Acts for raising & settling a public "Revenue, for defraying the necessary Charge of the "Government of New Jersey, according to the In-"structions already given

By which former Instructions N.ro 28. The Gover-"nour is to endeavour that a public Revenue may be "settled, and therein provision be made for a compe-"tent Salary for the Governour, as likewise for the "contingent Charges of the Council and Assembly, "and for the Salarys of the Respective Clarks and "other Officers thereunto belonging as likewise of all "other Officers necessary for the Administration of "that Government.

These Instructions were therefore laid down, as the foundation of the present Act,

Accordingly, it was very apparent that there was yet no competent provision made for the Support of that Government, There being not so much as much as 800£ in New Jersey annually raised for that use, for which there is above 4000£ annually provided in New-York Now there could not be a more favourable opportunity to obtain of the Assembly a sufficient Revenue, than at a time when the Country were universally complaining of the want of paper bills for a Circulation through the Province.

So that I thought it for His Majestys Service, and free from all objection, that an Act should pass to this effect, providing the whole Taxes levied by it, and all neat profits arising from it, were applied to His Majesties Revenue, as the aforesaid Instructions require, and in which case the Act is by these Instructions al-

lowed to take Effect, immmediately, and upon a full examination of the Act itself, it will be found that this has been strictly observed.

The money raised by the Act, consists of two branches, one is a Tax of one thousand pounds a year, raised for ten years, which is appropriated to the Support of His Majesties Government.

The other is the clear profit arising from the Scheme concerning paper bills which clear profit is likewise appropriated to the Support of His Majestys Government.

The manner of its arising is as follows, Forty thousand pounds was struck in bills of Credit, of which 4000£ was set apart for the deficiencys of the present Revenue, and the other contingent Changes of Government, for the two years to come, and for sinking so many old paper bills, formerly struck in New Jersey, and unprovided for, in lieu of which the Possessors were to have new bills with Interest to the present time, and this 4000£ is to be sunk by the four first years of the Tax.

The remaining 36000£ was to be let out at 5 P^{r} Cent Interest, for 12 years, for the benefit of the Publick, but so, that every year 8½ P^{r} Cent of the Capital was to be paid in, by the borrowers, for the first ten years, and 7½ for the last years, and these bills sunk as fast as they come in: The Interest of this being publick money, was to be applied, first to discharge the expence and trouble of managing the several Loan Offices in each County, which will appear to be done at a very moderate rate, and the remainder, which will be more than half, to be imployed as it comes in, to the sinking and destroying the paper bills yearly: By which means All the said Remainder will be replaced again by the last moneys paid in: And thus will arise a clear profit by the Scheme, which is likewise given for Support of Government. The use of this last Method of sinking the Bills before the borrowers

will have paid in their last Payments, is to make the Value of them necessarily grow every year more and more intrinsickally equal to Silver or Gold, since, as the paper grows scarce, Specie must be found, if papers is not and indeed for the last 6000£ to be paid in, it certainly cannot, so much having been destroyed by the Interest besides what has been sunk by the yearly payments of the Principal. It is true it is provided that at any time payments may be made in wheat, at five pence p^{r} bushel under the market price of New York and Philadelphia, but no Countryman will ever consent to loose so much on his wheat, as long as any Bills or Silver or Gold can be found, and it would be a great risk of Loss to the Publick, if they should receive Taxes in grain, at par, in great quantitys, unless publick Granarys were built, and this would require so great a Charge of management, that it has been laid by as impracticable.

So far appears the advantage to the Publick, from this Act: The advantage to private persons, is, that whereas the common Interest of money is 8. p^{r} Cent The Loan Offices lend money by this Act at 5 p^{r} Cent, upon good land Security houses or Plate, which as it has already reduced the Law suits from several hundreds to almost none at all, so it will be a great means to assist the Industry, and increase the produce of the Colony, which stagnated before for want of a Currency.

It is very evident, that dealings by either Barter or Specie, are insufficient to give a quick Circulation to the Produce, Manufacture, Trade or Business of a place, and that may appear particularly in London, where it is well known how much business is managed by Bankers Bills, and Bills of Exchange, tho' by daily experience, the Risk and Uncertainty of such payments is felt, and indeed little could go forward, if Specie was always to be told, or a barter agreed on, that suited both party equally, The same thing is true, tho' not so evident in small places, as in great Citys,

and it is the Complaint of the Countys in England remote from London, that they have not a Currency sufficient.

There is the utmost Care taken, to secure the sinking of these bills punctually, by each County standing Security for all that is lent within it, so that any deficiency is to be supplyed by an annual rate upon the County, and the Penalty and fines, in Case of Refusal of these bills upon Tender, are copied after the two debt bills of New York, one of the 13th of Queen Ann, the other of the 4th of King George, which have both received the Royal Approbation: There is only one thing added, which is a Penalty on a New Jersey Inhabitant, who shall refuse the bills of his own Province in the Neighbouring Provinces of New York and Pensylvania, with which they have so continual an Intercourse, that such a Proceeding would both be very dishonourable and prejudicial to the Intercourse between these Colonys.

And indeed the foundation of these Penaltys is, that a Province that makes bills of Credit, does thereby erect its Inhabitants in some measure, into a kind of a Company of Bankers, who ought in honour and Conscience to support the Credit of the Company, both at home and abroad, since the consent of the whole Community was given to their being struck and issued.

I have thus gone through all the Considerations that seemed to me requisite to set this Act in a just light, and now I submit them to Your Lordships for your Approbation, and for your favourable Representation to His Majesty: That if it be thought requisite, it may obtain His Royal Confirmation, tho' I find that Acts for the Support of Government have seldom been confirmed, it being taken for granted, that providing for a publick Revenue, is agreeable to His Majesty.

But if anything should appear wrong and fit to be amended in the Act, I hope Your Lordships will signifye it to me, that I may get it altered at the next Sit-

ting of that Assembly, and that no such Mistake or error may be thought a ground for dissallowing an Act of this Consequence and Service to His Majesties Government, It being certain that a dissallowance of such an Act, would ruin the Credit of New Jersey, destroy all hopes of ever obtaining a Revenue there, and be a means of creating a general Dissaffection among the Inhabitants; which are Consequences which I humbly recommend to Your Lordships thoughts, only to prevent unforeseen objections, if not carrying any probability with it in my poor opinion, that this Act should be found worthy of Censure, which to me seems the best piece of Service, I have yet been able to contribute to, for His Majesties Government, since I have been in America.

I have herewith sent your Lordships a Scheme, to explain the Design of the Act, as to the issuing, applying & sinking these Bills of Credit, which I hope will be satisfactory.

There was another Act passed, concerning the duty of the Commissioners of the Loan Offices, &c. which is a Supplement to the former Act, which otherwise would have been too long, and this last Act contains all the necessary forms of Mortgages and other deeds, that the Commissioners may be at a loss in any part of their business.

The other three Acts, are, one concerning fences, and two for naturalizing the two Persons therein named, which were not thought worth printing, but are hereby transmitted with the two first mentioned, making in all five Acts, engrossed, in parchment, under the Great Seal of the Province of New Jersey.

I have been so tedious on this Subject, that I dare not trouble Your Lordships with any other matter at this time, but am

My Lords Your Lordships

Most dutiful and most obedient humble Servant

W. Burnet.

P: S: I herewith send Your Lordships the printed Acts for New Jersey, and a Speech to the Assembly of New York, who met on the 12th Instant, as likewise the printed Votes for New Jersey, at their last Meeting. And the Naval Officer of New Yorks Accounts from Michalmass to Ladyday Shall be sent with the Duplicate of this, Some further Reasons by Mr Alexander for the Jersey Act are here enclosed.

FURTHER REASONS for the Act pass'd in New Jersey in 1723, Intituled An Act for An Additional Support of this Govt & making current 40,000£ in Bills of Credit &c Reced wth Mr Burnet's Lr of 12: May 1724

FURTHER REASONS, for passing an Act of New Jersey Entituled An Act for an additional Support of Government, and making Current forty thousand pounds in Bills of Credit, for that and other Purposes therein mentioned, [by James Alexander]

1 The Act for paying the Debts of the Collony of New York passed in the Year 1715 has had the Royall Assent and It makes the Currency of these bills to Last for 21 Years So that till that time Expires New Jersey Can have nothing from New York which is the Chief place of its trade but paper Money and the Currency of New Jersey by this bill is to End before that time Pensilvania which is the other Chief place to which New Jersey has any trade have past acts for a paper Currency for as Long a time as this Bill So that there is hardly Any possibility of Either Supporting Government or haveing any Lawfull tender but by the help of this act.

2 For want of a proper Tender for payment of Debts before this Act the LawYers fees were more than all the Debts that were for Some time Recovered and he that had Got anyway Indebt Could not Get out of it again without being Harrissed and torn to pieces at the will of his Creditor and his LawYer which drove him Still farther Indebt So Remarkeable was this that in one Small County In New Jersey (where there is ten) there was near three hundred Actions Commenced In the year before this bill past and So Great an Alteration has this Act made In that very County that to one Court which has been Since the bills were made Current (whereof that is only four in A Year) there was only five actions.

3 Beforefore this act the people of business In that province Could hardly Get So Much of the Money oweing to them as to pay the Lawyers for Sueing for it which very much tied up their hands from prosecuteing their business but Since the act their Debts Came in with Ease and are thereby Not onely Enabled to Go on with their former usual business but Diverse do begin to build vessels to trade with which May be a beGinning to have forreign Trade of their own and to venture themselves to the West Indies for Gold and Silver to Supply the place of the Bills When they are Sunk which its Scarce possible for them otherways to have Untill the New York and pensilvania bills are Sunk.

4 This money has Enabled Many of New Jersey to Set about draining of Swamps (of which Jersey has a great Many) fitt for hemp and the bent of that people is Now very Much upon that Manufacture which without this bill they Could Not So Easily have Gone upon and which I hope before Many Years Pass will Make this one of the Most Usefull Collonies to Great Brittain by the fitness of its Soil for produceing of hemp.

5 Quere if proper to Mention Iron for Diverse Iron Works are Going forward

6th It is Esteemed that above ¼ of the Exportation of New York is of the Groath of Jersey & that No Less of the Exportation of Pensilvania is also of the Groath of Jersey for all which they before this act recieved No other Cash but their paper money and the quantity of Paper Currency In New Jersey Pensilvania and New York being Nearly in proportion to the Exportation of their own produce by that rule Jersey would have About ¼ of the bills of York and Pensilvania which in all are about £100000 and the ¼ thereof £25000 but Supposed Jersey had only £20000.

Now £20000 at 5 pr Cent Interest by this bill is Gain to the province of New Jersey £1000 pr Annum & New Jersey haveing £20000 of the bills of Pensilvania & New York Could be of No Less gain to the Governments of New York and Pensilvania from New Jersey but rather more Seeing the Common Interest is Eight pr Cent which £1000 is more than heretofore has Supported the Government of New Jersey

And why New Jersey Should be oblidged to have the bills of New York and Pensilvania at So Great again to them And Loss to Jersey when New Jersey has as Good Security of their own as Either of them And by this bill as it is Now Made have Given far better than Either of them for bills of their own, Will be hard to Imagine and Unreasonable to Oblidge them to Every province thinking It Enough to Support their own Government and It a Slavery to be Oblidged to Support that of their Neighbours and their own too And this Must be the Case of New Jersey If they be Not permitted to have bills of their own while New York and Pensilvania have them & Longer they propose not to have them.

Governor Burnet to the Lords of Trade—announcing the death of Chief Justice Trent.

[From P. R. O. B. T., New Jersey, Vol. III, E 22.]

L^r^ from M^r^ Burnett Gov^r^ of New Jersey &^c^ relating to y^e^ Death of the Chief Justice of New Jersey, & desiring y^e^ person he has nominated to Succeed in that Office may be confirm'd. Rece'd 24^th^ Feb^ry^ 1724–5

New York 2^d^ January 1724.[24–5]

My Lords

Just as the Ship Samuel is going I have the certain News, that M^r^ William Trent, Chief Justice for the Province of New Jersey is dead.

I have nominated M^r^ Robert Lettice Hooper, to succeed him in that Employment, and I desire Your Lordships favour in recommending him to be confirmed in that Office by His Majesty. I am with great Respect,

My Lords Your Lordships Most obliged and most dutifull humble Servant

W. BURNET.

A Scheme

Showing the method of Issueing applying and sinking Bills of Credit for Forty Thousand Pounds made Current in New Jersey by An Act of the Tenth of his Present Majesty Anno 1723. [rec^{d} with M^{r} Burnet's L^{re} of y^{e} 12th of May 1724]

The Years of the Continuance of the Act	The whole Sum of Bills made and Yearly remaining unsunck	The Principal at first Lent and Yearly remaining in the Borrowers hands after payment of 8½ P Cent Yearly for Ten Years and 7½ for Two Years of the Principal	The Interest of the money Borrowed and of the Money Yearly Remaining in the Borrowershands at the Rate of five Per Cent	The methode and Quantitys by which the Bills are to be sunk again.				Moneys given for Support of Government by the Act.				
				first Fund	Second Fund	Third Fund	The Sum of the Bills Yearly Sunk by the said Three funds	£1000 per Annum for Ten Years by a Land Tax	Yearly Salary of the Commiss's of the Loan Offices to be paid out of		The Remainders of the moneys to be paid in by the borrowers after the Bills are Sunk and Comm'rs Salarys paid	The whole moneys given by the Act for Support of Government
									The Interest Moneys paid Yearly in	The Principal remaining in the borrowers hands		
				The Interest after Deduction of £479 Yearly for the Salarys of the Commission'rs of Loan Offices	The Sums to be Yearly paid in by the Borrowers towards Sinking the Bills	first four Years of the Land Tax for Sinking the £4-000 put into the Treasrurers hand by the Act						

1	1724	40000	36000	1800	1321	3060	1000	5381	1000	479			1479
2	1725	34619	32940	1647	1168	3060	1000	5228	1000	479			1479
3	1726	29391	29880	1494	1015	3060	1000	5075	1000	479			1479
4	1727	24316	26820	1341	862	3060	1000	4922	1000	479			1479
5	1728	19394	23760	1188	709	3060		3769	1000	479			1479
6	1729	15625	20600	1035	556	3060		3616	1000	479			1479
7	1730	12009	17640	882	403	3060		3463	1000	479			1479
8	1731	8546	14580	729	250	3060		3310	1000	479			1479
9	1732	5235	11520	576	97	3060		3157	1000	479			1479
10	1733	2079	8460	423		2079		2079	1000	423	56	925	2404
11	1734		5400	270						270	209	2491 } x	2970
12	1735		2700	135						135	344	2356 }	2835
				11520	6381	29619	4000	40000	10000	5139	609	5772	21520
										5748			

Sect 16 to Oblige Paym't 30 to force paym't 21 time of Continuance Sect: 12 Interest & Princip: paid Sect: 5 old debt 37 to be p'd Sect: 34 this Extended with the 1st 1321 Int.

this Scheme not kept to but the fund for sinking is Extended p'Act passed in 1725 for Support of Govern't

x vide Act of 1725 for Support of G:

Charles Dunster[1] to One of the Proprietors in England—respecting various individuals.

[From a Contemporaneous Copy among the MSS. of W. A. Whitehead, in the handwriting of James Alexander.]

Right Honourable

After a Long and Tedious voyage I arrived here the 17th of November Last very much Indisposed. However at my arrival I Did Myself the honour to wait upon the governour and Some other Gentlemen of this place who Received Me very Kindly and he Told me he had a Letter (which I delivered My Self) from you In My favours he Said he had such a veneration for So worthy a gentleman that there was No thing In his power to Serve me but what he would willingly do I had the honour to Dine with him Several times and I Do assure you that as often as I Din'd with him your health was one of the toasts that was drank about

Never a Country was happyer of a governour than these provinces are of him. He is Not only a Learnt Man But one that has a peculiar Talent of Eloquence & good Humour Suitable to his Learning he is a Man of great generosity Supplying the Necessitous and Distributing his Justice Equally to great and Small. He is one who has at heart the promoting the welfare of these provinces

I Suppose there is one Instance whereof you have heard that is by the Great Labour and Charges he has promoted a trade with most of the far Indian Nations, Which Nothing Could be More detrimental to the french Settlements Nor advantageous to ours. he had

1 Charles Dunster was largely interested in the soil of New Jersey. While in England he was the correspondent of several prominent men of the province. He arrived in America in November, 1724.—Ed.

fully finished it Ere Now had it Not been for false representations Sent home both to the Kings Councill and your board Instigated by those here who Carried on a Clandestine trade with Cannaday & the other French Settlements and Indians.

The very Same he Endeavoured to Do In the Jerseys To Recover the proprietors Lands from George Willocks & his Society. The Minute they found this they all turned as one Man against him (that is to Say that Club) But However (thank God) he Got the better of them all Upon which George Willocks withdrew himself out of the province, To Philadelphia out of pretence that his Conscience was so very Streight That he Could Not take the oaths according to an act of assembly

He and his associates went Some time before and he Surveyed a tract of Land of near fourty Thousand acres In lieu of three thousand one hundred and fifty acres for them Now Sir I thought this Might Enlarge his Conscience a little that he Might Not Scruple to qualify himself. This is besides a Vast Many other abuses which Can be proved against him, Now he Did Not think himself So very Secure In those places But on Munday Last the Ship Samuel Sailed from hence for London on board of Which he went from Staten Island But Durst Not Venture here There is gone along with him one M^r^ Andrew Hamilton[1] a Counciller at Law and it is believed that his Main Design is to See to procure under the broad Seal of England That Villanous Charter of Corporation of the Jerseys (which I had the honour to Shew you) In order to Confirm them to all their rogery To the Utter Destruction of all the proprietors. Others do Say that his

[1] This Andrew Hamilton was of Philadelphia, and must not be confounded with Andrew Hamilton who was Governor of East Jersey, etc.—the latter died in 1703.—Ed.

Intention is to Make Complaints of the Governour In order to get a Separation betwixt the two Governments and a Governour for the Jerseys of his own Chusing But I am Sure we Cannot Live happier Than Under Mr Burnet whose UnExamplary Justice to all Men is such as we Never had before.

But if Ever it Should happen that Mr Burnet be recall'd (which I hope Will Not be during My time) We may Chance to get a Pharoah that Does Not Know Joseph, In that Case a Separation is very Necessary, But otherwise we Cannot be So well

The Jerseys is the most prolifick province of any that is in North America affording all Necessarys of Life In Great aboundance, and Sending vast quantitys of flower beaf Pork Horses &c To our Neighbours of New York and Pensilvania.

There are Several other Valuable Branches of Trade which That Country affords which have Not been thought of till of Late which are pipe Staves hogs head Staves and all Manner of Lumber I hope Ere the End of this year we Shall Carry on a trade Directly from Amboy and other parts of that province

The above named Mr Hamilton is the best Lawyer In all America and Lookt upon to be a very fine Gentleman which Makes Me hope that he won't Concern himself with that Caball. But However Lawyers will take their fee—

I Begg of you Sir that there May be a Little Care taken that we May Not be Surprised as Mr Alexander was by being turned out from being Attorney General of this place without the Notice of any but that Caball But it Seems the Devil ow'd them a Shame for he is Made attorney General of the Jerseys amongst them, Since which time he has perfectly Mastered all their Rogery. He gives you his Most Humble Service and Returns you his Most Gratefull thanks for the honour and friendship you have Show'd him from time to time.

We had another rare Christian Amongst us by Name Peter Sonmans who was oblidged to fly to England he pretended to be agent General for the proprietors of the Jerseys But who those proprietors are that Signed any Such Deed I Know not, But it was Inserted In the body that he had power from the proprietors to Sell four thousand acres of Land Which accordingly he went and Surveyed by virtue of that Deed Instead of four thousand betwixt fourty and fifty Thousand

Another Rare piece of work they had amongst them whether It was In My Lord Cornbury or Mr Hamiltons time I Cant Tell but they had got So many Blank patents for ought I Know to the Number of acres that the Jerseys Contained and yet these three Topping Saints were Known to be guilty of the breach of the Seventh Commandment In their wives times

I Saw Coll: Morris Since I have been here who Enquired very heartily of your welfare.

I Am often with Mr James Smith who's grown as Fatt as a Pork he Lives for the Most part in this City and No thanks to him for he is as welcome to the governours table as he is himself upon all occasions He promised to write to you by the Last Ship (the Samuel)

I forgot to tell you that those Gentry and their associates have robbed the proprietors of betwixt four & five hundred thousand acres of the best Land as I am Credibly Informed,—And one hundred acres with another is worth fifty pounds a hundred

I thank god for it I have a pretty good Estate here But wants above two thirds of what I ought to have

I hope you'll pardon this Long Scroul which I Send you for your own private Information and Shall be troublesome to you In the Same way as occasion occurs. Our Governour will Live In the Jerseys Most part of the Summer as he tells Me.

Give My Humble Service to M^r^ Charles I begg you would Lett Me hear from you and Direct for Me at the post house In New York. I am

Right Honourable Your Most
faithfull & Most Obedient Humble Serv^t^

[Endorsed] A Copy of a Lett^r^ I believe from Charles Dunster to

Governor Burnet to the Lords of Trade—relating to Acts passed by the New Jersey Assembly.

[From N. Y. Col. Docts., Vol. V, p. 766.]

New York 24^th^ Nov^r^ 1725

My Lords [Extract.]

* * * * I * * am now to acquaint Your Lordships with the Proceedings of the last Sessions of Assembly in the New Jerseys, where the publick business was carried on, with the most unanimity that I ever Knew. There were six Acts past there, of which the principal was

1^st^ An Act for the support of the Government of His Majesty's Province of New Jersey for five years to commence the 23^d^ day of Sept^r^ 1725, and to end the 23^d^ day of Sept^r^ 1730.

This Act is in most respects the same with that formerly enacted in 1720 except that it makes more ample provision for the Revenue than before, so that the Officers of the Government have all of them considerable additions to their Salarys. What enabled the Assembly to do this without laying more burthen of taxes on the people, was the late Act for striking Bills of Credit, by which means there was a Sum clearly gained by the Province by way of Interest, for the first five years amounting to 1321 pounds which

has been applyed to increase the support of the Government, it being sufficient for the sinking of the Bills of Credit within the time limited if the principal as it is to be paid in be cancelled and sunk, which has been punctually performed for the first year.

2ndly An Act to lay a Duty on wheat, meal and staves and heading of all Sorts, and bolts whereof Staves and heading may or can be made.

This Act is intended to incourage the Manufacture of the grain and timber of the province among themselves, so that the wheat may be ground and bolted before it is exported, and the Casks of different sizes made within the Province. This Act was formerly past in Brigadier Hunter's time, and afterwards repealed at the Desire of the people, but now they think it again for their Intrest in the Eastern Division, tho' the Western Declined its being extended to their Division

3rdly An Act to ascertain the size of Casks and the standard of Weights and Measures, and to impower the Justices of the Peace at their quarter sessions to appoint packers for packing provisions at the most convenient landings in each respective county within this Province. This Act is exactly like one past for this purpose in New York; and will be of use to encourage the Fair Trade and prevent indirect practises which not only are an imposition upon the people of the Province but bring a Discredit upon their Trade in the West Indies whither they Ship off their provisions.

4thly An Act for the better Regulation of Elections and laying a penalty on all Officers and other persons whatsoever that shall by indirect practices endeavour to obtain any Election contrary to the rights, liberties and priviledges of the people; and the true intent and meaning of this Act.

There was but too much ground given for this Act by the conduct of the Sheriff of Burlington in favour-

ing Coll. Cox, against a Quaker that opposed him, by keeping the Poll open for a fortnight and adjourning it without the consent of the other candidate to the edge of the county, as all this was done without even my knowledge much less my direction, the Assembly had no difference at all with me about it, but altogether among themselves where the Quaker interest and the contrary party are nearly equal. But the partiality was so visible that they agreed to provide a Remedy against the like for the future by this Act

5^{thly} An Act concerning the Appointment of Commissioners of the Loan Office and concerning the sinking of four thousand pounds of Bills of Credit.

There was an Inconveniency found in my not being able to direct a new Commissioner to be chosen in case of death or resignation without my coming into the Province and calling a Council which in the Winter is often very difficult, which is remedyed by this Act.

The Manner of sinking the four thousand pounds applyed to the immediate support of the Government by the Act for making the Bills of Credit, had been Directed to be done only when the Assembly should set, which not happening every year, it was thought that too great a sum would lye too long by that means in the Treasurer's hands, which this Act remedyes by directing these Bills to be sunk before the Governor and Council, tho' the Assembly be not sitting.

6^{thly} An Act prescribing the forms of Declaration of Fidelity, Abjuration, and Affirmation instead of the forms heretofore required in such cases. This Act relates wholly to the Quakers and is the same to those who bear Office and serve on Jury's as the former Acts were, but as to other persons it gives them the same Affirmation which was appointed by the last Act of Parliament in their favour.

I have herewith enclosed to M^{r} Popple these Acts engrossed in parchment under the Seal of the Province,

together with the Minutes of Council for the said Province commencing the 20th of April 1724 and ending the 23 of August 1725, and with the Naval Officer's Accounts from East New Jersey from the 29th of September 1724 to the 25th of June 1725 and a Printed Copy of the said Acts of Assembly and of their votes
* * * * * *

I depend on the continuance of Your Lordships favour and protection to,

My Lords, your Lordships most obliged
and most dutiful humble Servant
W. BURNET.

Letter from Galfridus Gray to the Lords of Trade —relating to a method of protection from the encroachments of the Indians.

[From P. R. O. B. T. Plantations General, No. 8, L 63.]

Memorial of Mr Gal: Gray[1] proposing a Method to prevent the Insults of the Indians. To the Right Honourable the Lords Commissr of Trade and Plantations &c:

Right Honble

From a Sincere View of Serving my Country, with the Abounding Honour to his Majestie in the Preservation of all his American Subjects in all his Collonys on that Continent from the Savage Rage of Indians for ever, I present you with the following Scheme.

Some part of the American Countrys having been Settled About Two hundred Years—In which time there have been many Methods taken, as in Virginia

[1] With this Mem'l Mr. Gray Presented a Printed *Map of the Dominions of ye King of G. Britain on the Continent of North America*—Dedicated to *Walter Douglas Esq. constituted Capt. Gen'l &c of ye Leeward Islands* & printed in 1715.

and Maryland a number of People kept called Rangers and Garrisons at Some places—And in New England Expensive Garisons by the waterside &c.ª Nevertheless very Lately we have heard of Blooddy Indian Engagements, and altho the English may have had the better Sometimes, Yet their Wars are very Expensive & the people in Continuall fears; for those Indians Do Mischief to Day in one place, and 50 Miles off to Morrow —the Country Lyeing open no Stop can be put to their Barbarritys No Less than 88 Subjects were Killed & caryed away Last Year.

I humbly therefore beg Leave to Lay before the Lords Commiss.rs of Trade &c.ª the only and Effectuall Method to prevent Such Desolations for ever hereafter.

The Method I humbly propose is to Cut a path Thro' the woods on the Back of all his Majesties Colonys from the head of the Bay de Chaloner, which Runes up about 90 Miles into Nova Scotia out of S.t Laurance River From thence to the westermost Bounds of South Carolina which is 1050 Miles, And in that Distance place about 1000 Blockhouses, at Such Different Spaces as I have placed them on the Plan or Draught of those Countrys An'exed, from 4 unto 24 Miles Distance from Each other—Such a Line will be a Barrier, Boundary & Communication And also will be of Servis for Intelligence & Trade.

The Lords Commiss.rs of Trade well know Long And Dear Experience hath proued to those People, that while the Colonys Lye open to the Mercy of those Savages they can Never be Safe—whereby a Stop is put to Improvement of Lands &c.ª which would Yeild a Great Revenue to his Majestie.

As I have often viewed those Countrys, I humbly presume as a Loyall Subject to propose this as the only Method which can make his Majesties Subjects on the Continent of America Safe in their Lives & fortunes,

which Consideration has Emboldened me to Lay this my opinion before you, who daily Considers the Good of his Majesties American Subjects—And Now more Especially the Good of [13?] Governments

Such a Method of Protection is So well known I Need not Use any Argument Conserning the feasibility of it, to prevent the Outrages of Savage Enimies in an open Country—the thing may be done without any Difficulty, All the Inhabitants being Good Axmen, Accustomed to Clearing, & Building Loghouses.

My proposall is not the Building of a Brick wall Like that of China or heaving up a Bank of Earth as formerly in the Kingdom, the Romaines of which are at this Day—Only a path Cut, and houses Built of the Trees Cut Down in the place, Sufficient to make a Barrier & Boundary to Such Enimies. Also Tradeing-houses to Supply the Indians, there with Necessarys, which would be Attended with Severall Other Conveniencys, first—it would prevent them from going Beyond their Bounds on pretence of Trade—Secondly—the Indian Trade being made Governmentable would becum an Universall Benefit, And Support the charge of the Said Line Also prevent the Indians from Straggling Down Among the English to breed Private Quarrels which in time past have Ended in Publick Wars.

Thirdly—the Indian Trade being plast in the Line & made Govermentable a Moderate price of 200 p'Cent may be Set, insteed of the Exorbitant Rates private Traders Exact of one 1000 and more—Thus useing the Indians kindely will Engage their Affections, And will Also Cause a Consumption of four times as much of the Manufactures of this Kingdom and So a Great advantage.

Drawing this proposed Line would not only make Safe every Subject, But also Raise the value of the Crown Lands below it which in their present State cant be Inhabited for fear of Indians—This would also

prevent the Indians from Attacking his Majesties Subjects in his Fortifications of Annapolis Royall & Causo which at present the Indians Attaque when they please, Killing & carrying away the people that In habit Near those Garrisons—And very Lately Some Indians Insulted S^{r} William Keith Governor of Pensilvania, which is in the Center of all his Majesties Colonys on the Continent of Americas.

The Support of this proposed Line will not Like Fortifications &c^{a} be a Continved Charge to his Majestie But will more then Support itSelf.

I could Easily Demonstrate the time & Expence of this P'formance only it may require too many words, But if requiered will not only do that, but also with readiness Answer any Question Conserning the thing proposed, being personally Aquainted with all his Majesties American Dominions and many of the Territorys belonging to other Potentates In those parts of the world.

Not being willing any Longer to Trespass on the patience of the Lords Commiss^{rs} of the Board of Trade I only beg Leave to Add, that as the Union with one Nation in Subjection was Deemed a peculiar honour to the Late Queen I humbly presume the Not only Uniteing, But also So Easily Subjecting more then 10 Nations by So aduantageous a Method Assuredly will be So Matchless an honour to his Majestie, Such as No Prince every yet obtaind

I am Right Hon^{ble} With the Profoundest Respect
Your Most Obed^{t} Ser^{t}
GALFRIDUS GRAY.

I could not Omit Observing to this Honourable Board the Great Aduantage Some of those American Lands, for which an Entire Safety is proposed, Produces Yearly To the Crown Many Acres Adds to the Revenue from 10 unto 25 pounds p'Acre Also the

Great Consumption of the Manufactures of Great Britain A very good Author well known at the Board of Trade; has told the world that one of the thirteen Governments on the Continent takes off Yearly, three hundred thousand pounds Sterle.' And when a Certain Quantity of Lands shall be made Assuredly Safe from Indians then Severall Companys of men will be Encouraged to Improve P'sels of Land, which in their present State are Invalled those Lands will produce hemp & Iron which are the Only Two things this Nation Absolutely wants

A Demonstration as to time & Charge in Drawing the Indian Barrier & Boundary &c[a] Line in America

As to the Number of Trees & Saplins in a Miles Length Suitable for Such a path or Line it has often been observed, And at most but 500 in Number, And in those Countryes I have had 20 Timber Trees fit for house Building Cut Down in one Day by a man in the Bay of Virginia And in this Case the Great ones Need not be Cut Down only Girdled, will Die And a Remarkable Sight to the Indians, And of the Smaller Sort a man do or may Cut Down 30 in a Day So Accordingly the path may be Cleard in a month—But if four times as Long for So Good a work as Everlasting safety the Inhabitant can't think it Tedious.

Ile Suppose 1100 Miles And Alow men at 18 pence p'day Provisions Included Thus - - 1500 / 750

2250 Shill[s] p' day

Say 4 months or - 120 Days

45000
2250

27000 0 Shills.
13500 pounds

thus far it Appears thirteen thous[d] 5 hund pounds

I have Supposed a present to the Indians the 5 Nations

Say 2000 Coats at 7 Shill^{s} - -	700 L^{s}
Ditto 2000 hats 1 Ditto - -	100
Ditto a present to their Kings -	200
	£ 1000
the above Sum - - - - - - - -	13500
for Contingent charge - - - - -	5500
	£20000

All appears to be but Twenty Thousand pounds for So Great a P'formance Attended with So many Conveniencys everlasting peace And Universall Profit by the Indian Trade, Neither Yet Obtained Since the Settlement of those Countreys

Right Hon^{ble} I am Your Most Humb^{le} & Obed^{t} Ser^{t}

GALFRIDUS GRAY

January the 26th 1725

Second Memorial from M^{r} Gray in addition to his Proposals for preventing in Insults of y^{e} Indians in the Plantations Rec'd Febry 10th 1725–6.

To the Right Honourable the Lords Comis^{rs} of Trade & Plantations.

Right Hon^{ble}

I having atended this Hon^{ble} Board on the Second of this instant on Acco^{t} of a Proposall by me made for Cuting a path or Drawing a Line on the Back of all his Majesties Colonies on the Continent of America in order to a Gen^{ll} Safety to all his Majesties Subjects there Inhabiting. Att which time & place I found

five Gentn attending, which are & have been Gours of Some of those Colonies who gave their Opinions as followeth—

Genll Nicholson Govr of South Carolina & formerly of Some of the other Colonies being first Asked Gave his Opinion that my Proposall was Right and that South Carolina had or would make Some Such Block-houses, to prevent French & Spanish Indians, he only Hisitated at all those Governments coming into it with one Consent, which I shall answer if Desired an other time—it haveing no Direct Relation to my Projecting part—that only Relateing to the Executive part.

Coll Spotswood Late Govr of Virginia Said that Governt had Built one Such Garison Tradeing house by which it appears those people are of my Mind what he Hissitated at, was, that the Sum I proposed of 20 thousand pounds he thought would not P form it—to which I answered not being in a place where the Indians Resorted—I mean to his Assertion that the Indian Trade was not so Profitable as I Seemed to Beleive, those are Neither Essentials, as to the Profit of ye Trade or the Sum their Building after my proposall justifies, altho in a wrong place.

Coll Hunter Govr Lately of New York where was the first Instance of such a Method of Trade withe the Indians Boasted how peaseable they had been he only used Some Little Amusements Saying Some of the Back Lands had Pine Trees & thick Bushes, But Did not Say that Axes could not make a path throu them, that Gentn has but Little Experience as to the Length of Travels as I have had 5, 6 & 7 hundred miles in Length in those Countrys—Also he pretended that the Indians might think the English were afraid forgetting that his own Governmt was the first and to this Day—But would Say Something.

Coll Strut Gour of New England without Hissitation

Declared they were willing to Build Such Tradeing houses And Sell Goods to the Indians to Lost. I presume meaning cheaper then one thous^{d} P Cent as formerly.

Co^{ll} Phillips Gou^{r} of Annapolis Royall &c made no Hissitation Neither in my humble Opinion can any Generous Lover of his Country, by all that has been Said they make it appear I have Rightly Projected; it assuredly is the only & Effectuall way to priserve all his Majesties Subjects in those parts of the world from being Insulted by the indians as in time past—also make that Great Quantity of Crown Lands habitable, and so, valvable.

I humbly pray this Hon^{ble} Board to call to mind that but 10 years ago North Carolina was almost wholey Destroyed by their Indians, and 7 years Ago South Carolina in the Same Condition, But 3 years Ago Pensilvania Narrowly Escaped a Blooddy Indian war by reason their private Indian Traders first Cheated an Indian, And then Killed him, Also but in September Last the indians Again Threatned S^{r} William Keith Gou^{r} of that Province, And the Governm^{t} of New England but the other day finished a Blooddy & Expensive war with their Indians, Nothing but Regularrity in Trade Boundary & Barrier Communication can make those Inhabiting that open and wide Country Invested with Such Neighbours safe, That the Indians may have Bounds Set them Witness their Last agreement 3 years ago, Agreed that if any Indian was found below Such & Such Trees &c. without haveing a Speciall Message to Said Goverm^{t} they Consented Such Indian Should be Imprisoned, As they are come Such a Length they may easily be brought further when we are got Into a Regularity.

I have Seen many Sorts of indians in many Different Countrys, they are alowed by All to be an Active flexable people easy Governd with Good Usage—Those

Cannabals at Florrida by Conversation are becum Sociable—But to return to my Path & Barrier I shall give Undenyable reasons that 20 foot wide will be Sufficent and the Trees Knotched on both Sides of Said path—Such paths or Rhoads is what all the People in Virginia & Maryland Travell by & in paths with knotcht Trees, And many paths not 20 foot wide—Now I am on this Subject pleas to give me Leave to Say the Method of the Indians Travelling, their Compass is takeing Notice of the Roots of the Large Trees, On the North Side Growes Moss, on the South side none—In case they Loose Company as they pass they Bow a Twig pointing y^{e} way they go

Also another conveniency may be found in Indians when those Regular Steps I propose, be taken, those that have the care of Such Garisons &c. with Ease may bring Indians into another Course or Method of Living for the charge of 20 Shill^{s} P annum in cloaths, And the indians will not, only by Hunting fishing & fowleing find themselves Provission but the English also, many familyes now have Indians to hunt for them for a Trifle, And many indians among the Inhabitants Learning Trades &c also Seamen, fishermen & husbandmen And Some have Stocks of their own 15 years ago at a place Called Marthas Vineyard I bought 25 Sheep of Indians for the valve of 12 pence P Sheep—this assuredly fact, as is all I offer, And if others that have been abroad have not taken So much paines, Spent So much moneys and time they cant So Know—I have been my own Supporter, Always when plowing the Ocean, Owner & Commander of Ship & Goods—I have been taken 3 times by the Pyrates, I have passed throu many Difficultys to know, And all agree with offering for my Countrys Good, I have not a foot of Land in those Countreys But See a peculiar Hon^{r} in it to his Majestie & Matchless aduatage to y^{e} Subject there has been hundreds of thousands that has

Travelled those Countrys Since their Settlement (by Sea & Land) who is the man that ever Drew Such a Scheme to prevent Pyrasy or Corrected or aded to it, and now to prevent the indians by Land could any add to it for his Countrys Good Ile not be ofended, if there were any Such I would not be so Ungenerous as to put a Bush in his way—To do myself justice I will not be afraid to Say to the Hon^ble^ Board of Trade that I know the aduantages of Americas, I mean part of it 1700 Leag^s^ I Need not be So Modest, as to Say as well as any man that has Travelled those Countreys, Because I have made it appear better than all. And can add Aboundance to what I have Said. But who among those that would be thought to know can make any Addition now all Countreys are Striveing to Out witt us.

In my Scheme to prevent Pyrasy I told this Hon^ble^ Board I had not been Six months at a time in one place for almost 30 years, altho I have Lost my journals in which I took Some pains to be Particular Yet that it may appear I have not wholly Lost my Remembrance, in that I Particularized every place needfull for 1100 Leag^s^ which has been viewed By Severall Cap^ts^ &c of Ships of War who would in these times be glad with an opportunity to Shew their better knowledge by a personall acquaintance History & Draughts are time Diverters, gives a Supposed Satisfaction—But personall Views the truth, that is all the Compensation I enjoy. And can give an Account of the Situations, productions or anything that is worthy of Note Conserning every one of the west Indian Islands.

Right Hon^ble^ I am

Your Most Obed^t^ Ser^t^

February y^e^ 8^th^ 1725.[1725-6] Galfridus Gray

Letter from Governor Burnet to the Lords of Trade—about certain returns to be made.

[From N. Y. Col. Docts., Vol.V, p. 776.]

New York, 2d June, 1726

My Lords

[Extract.]

On the 23d of May last I received a letter from Mr Popple dated 1st October 1725 containing your Lordships' commands to me to be more punctual in Send-Copys of publick papers, publick accounts and all proceedings for Your Lordships information according to my Instructions, upon the several heads following to each of which I will make what answer I can on so short a notice.

The first head is *Accounts of Receipts and Payments of all publick monys and especially of Quit Rents Fines and forfeitures and Escheats*

* * * Since I have received Your Lordships' commands I have directed the Treasurer to prepare an account of the Revenue from 1721 when he entered on his Office, his father who was, Treasurer before him being lunatick and non capable of rendring any account, and signing and attesting it * * *

* * * When I go into New Jersey which will be in the month I will require the like accounts from the Treasurers of that Province all which I will send as soon as I can obtain them.

The second head is the Number of planters and *Inhabitants and Accounts of Christnings and Burials &c* I had the honour to transmit to your Lordships an account taken by the Sheriffs of the several Countys of all the Inhabitants of the Province of New York,

in my letter of the 16th Decr 1723, where, if search be made, I question not but it will be found * * *

I would have then ordered the like accounts to be taken in New Jersey but I was advised that it might make the people uneasy, they being generally of a New England Extraction and thereby Enthusiasts: and that they would take it for a Repetition of the same sin that David committed in numbering the people and bring on the like Judgments. This section put me off from it at that time, but since Your Lordships require It I will give the orders to the Sheriffs, that it may be done as soon as may be

As to accounts of Christnings and Burials I dont find they have ever been kept regularly, and it would be extremely difficult to bring it to bear, for here in New York, there are not Church of England Ministers in half of the Countys of the Province, And there are many Dutch and some French and some dissenting Ministers that baptise and bury, some of which keep no account, as I have been told, and others that perhaps do and understand no English

In New Jersey there are few Church of England Ministers, several dissenting Ministers who keep no accounts and many Quakers who are never baptised so that such an Account would be no true Estimate of the people there.

The third head is *Account of Ordinance Stores arms, all sorts of Stores of War and a State of the Forts.*

I have directed the Store keeper here to prepare such an account for this place, and I shall give the same orders the out Garrisons

The fourth head is *a Map of each Province, and an account of the Strength &c of Your Neighbours*

I have long ago directed the Surveyor General of this Province to make out such a Map as my Instructions require, but the imperfect Drafts left in his hands by his predecessor of the Old Surveys have hitherto

hindred him to compleat it as it ought to be, but I have now given him fresh directions to go about it with all dispatch; As to New Jersey I shall give the same Directions to the Surveyor of that Province, but I fear his particular Drafts of Old Surveys are still more imperfect.

As to the Strength &c of our Neighbours I have often given Your Lordships the fullest account I could of the State of the French and the Indians and I shall continue so to do for the time to come.

The fifth head is *Accounts of Establishment of all Courts, patent Offices and their Deputys.*

I know of no New Courts or Offices erected since my arrival, so that I apprehended that Your Lordships were fully informed on this head, when such Courts and Offices were established, But I shall make it my business to give Your Lordships an Account of them as they now stand.

The Sixth head is *Wants and Defects of each Province.*

This I have done from time to time and shall continue to do according to my best apprehension, which however I hope Your Lordships will interpret favorably.

* * * * * * * * *

I have last fall with my letter to Your Lordships of the 24th of November 1725 enclosed to Mr Popple the Acts of New Jersey on parchment, with the Seal, passed in August 1725, and the Minutes of Council of that Province commencing the 26th of April 1724, and ending the 23d of August 1725 with a printed copy of the Votes of that Sessions * * * which I hope are safely arrived, and of which I daily expect an account from Mr Popple.

* * * * * * * * *

I am with great respect My Lords Your Lordships'
most dutifull and most obedient humble Servant
W. Burnet.

Letter from the Lords of Trade to Governor Burnet—about Gold and Silver Mines said to have been found in New Jersey.

[From P. R. O. B. T., New Jersey, Vol. XIV, p. 137.]

Letter to Mr Burnet, Govr of New Jersey.

Sir,

Since Our letter to you of the 9th of July 1723, We have received yours of the 12th of May 1724, and 2d Janry 172$\frac{4}{5}$ as also the Several Acts, and other public Papers therein mentioned, which We desire you will be punctual in transmitting for the future.

We received from the Ld Carteret, whilst Secretary of State the Extract of a Letter from You, of the 12th Decr 1722, in relation to Some Gold & Silver Mines, Said to be found in New Jersey, wherein you informed his Ldsp, that Sevl persons have positively declared to you, that if they would be certain in whom the Title lay, and that they shou'd have a reasonable share of them, they would make the Discovery, but never otherwise.

This Matter being referred to Our Consideration, We consulted His Majesty's Attorney and Solicitor General thereupon, and as they have given their Opinion very fully upon this Subject, We send you inclosed a Copy of their Report for your Information[1]

We have considered the Act passed in New Jersey in 1723, Entd An Act for an Additional Support of this Government and making current 40.000li in Bills of Credit for that and other purposes therein mentioned.

We must take notice to you upon this Occasion, that We are very Cautious of recommending to the

[1] See under date of November 30th, 1723.—Ed.

King the Confirmation of any Bills of this Nature, considering y^e^ many ill consequences, We have observed to proceed from them; But as in this Bill proper care Seems to be taken of the Security required from those to whom these Bills shall be lent, and that the Bills for the 40.000^li^ to be raised by this Act, would be Sunk in tenn Years time, if the manner prescribed for sinking them, were punctually put in Execution, and that there wou'd then be profit to the publick of the sum of 5,772^li^ We shall let this Act lye by Probationary, in hopes it may answer the end proposed by it: But it is with some concern, that We are obliged to observe, you have already broken in to the Appropriation of this Act by An Act for the Support of the Government of New Jersey, commencing the 23^d^ Sep^r^ 1725, and ending the 23^d^ Sep^r^ 1730, by which you take away from your Sinking Fund the first Year's Intrest arrising upon the Bills lent out, which proceeding is a very bad Precedent, and We apprehend will be detrimental to the Credit of Your Paper Mony.

Proceedings of this nature have had that Effect in other Colonies, where at the first Setting out, they have made very good Laws for Sinking the Paper Bills, but have afterwards broken in upon the Funds appropriated for that purpose: We must therefore recommend to you, to take particular care that no further Alteration be made in the Funds given by the first Act for Sinking the Paper-Bills: And We Shall let this 2^d^ Act likewise ly by probationary, till We hear further from you; We observe that the whole Provision made by this last mentioned Act for the Service of the Govern^mt^ for 5 Years Amounts to the Sum of 6360^li^ 7^s^ 0^d^ of which Sum 2310^li^ 7^s^ 0^d^ is said to be necessary for the first Year's Service only, which greatly exceeds the Gen^l^ Provision for the whole 5 Years; We apprehend this may be best Explained by An Account of the Annual Charge and income of the

Province, which We desire you will send Us, as also the like Account for New York, So We bid you heartily farewel and are

Your very Loving Friends & humble Servants

WESTMORLAND
J. CHETWYND
T. PELHAM
J. HOBART
R. PLUM'ER.

Whitehall June 28th, 1726.

Additional Instruction to the Governors—relative to Suspension of Sentences.

[From P. R. O. B. T. Plantations General No. 8, L 69.]

Order in Council, directing the Board to prepare an additional Instructn to all the Govrs requiring them to suspend the Execution of any Sentence, in Case of an Appeal till the same shall be determin'd at home.

Seal.

At the Court at Kensington the 5th day of July 1726.

PRESENT

THE KINGS MOST EXCELLT MAJESTY IN COUNCIL.

Whereas it was this day represented to his Majesty in Council, that in One of the Articles of the Instructions given to his Governors in America, relating to the admitting Appeales to his Majesty at this Board, and the obliging the Appellants to give Security to prosecute their Appeals, the following Provisoe is inserted. Vizt "That Execution be not suspended by "reason of any such Appeale unto Us in any case where "a Judgment first given by an inferior Court in Our

"said Province or Island shall have been confirmed by "the Governor and Council" By means of which Provisoe Executions have been immediately issued notwithstanding an Appeal hath been depending before his Majesty at this Board; From whence great Inconveniencies have arisen, where the Appellee hath become insolvent or hath withdrawn himself and his Effects from that Province, before his Majesty's Pleasure could be known on such Appeale, and his Majesty's Orders, for reversing the Decree or Judgment appealed from, and for making Restitution of the Estates or Effects, which had been so levyed in Execution, have been rendered ineffectual, and the Appellant left without any Redress. For preventing which Mischief for the future His Majesty is hereby pleased with the Advice of his Privy Council to Order, that Additional Instructions be prepared for all the Governors in America Requiring them in all Cases, where by their Instructions they are to admitt Appeales to his Majesty at this Board, that Execution be suspended notwithstanding the said Provisoe, until the final Determination of such Appeal, unless good and sufficient Security be given by the Appellee to make Ample Restitution of all that the Appellant shall have lost by means of such Judgment or Decree in case upon the Determination of such Appeal such Decree or Judgment should be Reverst and Restitution awarded to the Appellant—And the Lords Commissioners for Trade and Plantations are to prepare the Draughts of such Additional Instructions and present the Same to his Majesty at this Board for his Royal Approbation[1]

TEMPLE STANYAN

[1] Draft, etc., prepared July 28th, 1726.—ED.

Proclamation of Governor Burnet—against the exercise of any authority by Peter Sonmans as Receiver of Quit Rents.

[From the Original among MSS. of W. A. Whitehead.]

By His Excellency William Burnet Esq[r] Captain General and Governour in Chief of New Jersey New York and Territories thereon Depending in America And Vice Admirall of the Same &c

L. S.

A Proclamation

Whereas in pursuance of the Directions in his Majesties Royal Instructions to me Given I did upon Application made to me by the Generall proprietors of the Soile of the Eastern Division of the province of New Jersey Issue A Proclamation Notifying that the Said proprietors had constituted And Appointed M[r] Richard Ashfield to be their Agent And receiver of such rents and Arrears of rents as were Due and payable to them And did thereby require the Justices of the Peace Sheriffs and other his majesties officers to be Aiding And Assisting to the Said Ashfield in recovering and receiveing the Said rents.

And whereas Since the Issueing of the Said Proclamation one Peter Sonmans has taken upon him selfe without Any Application made to me to receive the rents of the Said Generall Proprietors under pretence of his haveing formerly had Powers from Some of the Said Proprietors for his collecting and receiveing the Said rents to which powers being Examined before me in councill and the Allegations and Pretentions of the Said Peter Sonmans for receiveing the Said rents the Said Sonmans did not by Any Suficient vovchers make out the Allegations contained in his memoriall or

representation made to me And it haveing not appeared to me and his Majesties councill that the Said Peter Sonmans had then Any Authority to be the Receiver of the rents of the Said proprietors

I have therefore upon Application made to me by the Said Generall proprietors thought fitt by the advice of his majesties councill of this province in order to promote the peace And Security of his Majesties good Subjects And as much as may be prevent Disputes and controversies that may Arrise touching and concerning these matters to Publish And Declare that m^r^ Richard Ashfield has taken the Oaths Appointed to be taken And Given Security According to his majesties Directions in that behalfe contained in his Royall Instructions to me And it not appearing to me that the Said Peter Sonmans or Any other person has power or authority to collect & receive the rents of the Said Generall proprietors except the Said Richard Ashfield who is constituted and Appointed for that purpose All Justices of the peace Sheriffs and other officers for the time being in this province are hereby required to be Aiding helpeing and Assisting to the Said Richard Ashfield from time to time in recoving and receiveing the said Rents And Arrears of Rents *Given under my hand and Seal att Arms* in councill at Perth Amboy this twenty-third day of July in the twelfth year of the Reign of our Soveraign Lord George over Great Britain france And Ireland King Anno Dom'i 1726



By his Excellencys Command
JA SMITH Secry.

Order in Council relating to Ecclesiastical Jurisdiction in the Plantations.

[From P. R. O. B. T. Plantations General, Vol. X [8], L 70, Plant. Gen.]

Copy of an Order in Council of the 19th: of August 1726 directing a Commission to pass under ye Great Seal relating to ye Ecclesiastical Jurisdiction in ye Plans & appointing a Court for Hearing Appeals pursuant to ye sd Com'ission.

At the Court at Kensington
the 9th: day of Augst 1726
Present
The Kings most Excell.t Majesty in Council

Whereas the Right Reverend the Lord Bishop of London did some time since humbly represent unto his Majesty at this Board the Uncertaintys in his Spiritual Jurisdiction over the Churches in his Majestys Plantations and the Difficultys attending the Exercise of the same, and prayed that the Extent of his said Jurisdiction might be Explained and Ascertained— His Majesty was thereupon pleased to referr the Consideration thereof to a Committee of the Privy Council— And Whereas the said Lords of the Committee did this day Report to his Majesty that having considered of the severall Points, wherein it might be proper for the Lord Bishop of London or his Commissaries to Exercise such Ecclesiastical Jurisdiction, they had thereupon caused a Draught of a Commission to be prepared for putting the same in Execution—Which Draught the said Lords of the Committee humbly

offered as proper to be forthwith past under the Great Seal of Great Britain. His Majesty in Council taking the same into Consideration was pleased to Approve of the said Draught of a Commission which is hereunto annexed and to order that the same be forthwith past, under the Great Seal of Great Britain— And his Majesty is hereby further pleased to Order, that the Blanks, left in the Draught for the Names of the persons to Compose a Court, for hearing Appeales from any Sentences that shall be given in the Plantations, by virtue of the said Commission, shall be filled up with the names of the following Lords, Viz^{t}:—

William Lord Arch Bishop of Canterbury and the Lord Arch Bishop of Canterbury for the time being.

Peter Lord King Lord High Chancellor of Great Britain and the Lord High Chancellor or Lord Keeper for the time being.

Lancelot Lord Arch Bishop of York and the Lord Arch Bishop for the time being.

The Lord High Treasurer for the time being.

William Duke of Devonshire Lord President of his Majestys most Hon^{ble} Privy Council and the Lord President of the Council for the time being.

Thomas Lord Trevor Lord Keeper of the Privy Seal and the Lord Privy Seal for the time being.

Lionel Duke of Dorset Lord Steward of his Majesty's Household and the Lord Steward for the time being.

Charles Duke of Grafton Lord Chamberlain of his Majestys Household and the Lord Chamberlain for the time being.

Thomas Holles Duke of Newcastle—One of his Majesty's Principal Secretaries of State and the Principal Secretary of State for the time being.

Thomas Earl of Westmoreland

James Earl of Berkley First Commiss^{r} of the Admiralty and the Lord High Admiral and First Commissioner of the Admiralty for the time being.

Charles Lord Visco^{t} Townshend One of his Majestys Principal Secretaries of State and the principal Secretary of State for the time being.

Edmund Lord Bishop of London and the Lord Bishop of London for the time being.

S^{r} Spencer Compton Kn^{t} of the Bath Speaker of the House of Commons and the Speaker of the House of Commons for the time being.

S^{r} Robert Walpole Kn^{t} of the Garter Chancellor of the Exchequer and First Commission^{r} of the Treasury and the Chancellor of the Exchequer and first Commiss^{r} of the Treasury for the time being.

S^{r} Robert Raymond Kn^{t} Lord Chief Justice of his Majestys Court of Kings Bench and the Lord Chief Justice of the Kings Bench for the time being.

S^{r} Joseph Jekyll Kn^{t} Master of the Rolls and the Master of the Rolls for the time being.

S^{r} Robert Eyre Kn^{t} Lord Chief Justice of the Court of Common Pleas and the Lord Chief Justice of the Common Pleas for the time being.

being members of his Majesty's most Hono^{ble} Privy Council, And that any three of the said Lords do make a Quorum. And One of his Majesty's Principal Secretaries of State is to prepare a Warrant for his Majesty's Royal Signature in order to pass the said Commission under the Great Seal accordingly.

Letter from Governor Burnet to the Duke of Newcastle.

[From New York Col. Docts., Vol. V, p. 809.]

New York 20th Decr 1726

My Lord.

I have already had the honour of answering Your Grace's letter of the 7th of July last, on the 4th Inst: of which letter and of all the papers contained in it relating to the French and the Indians I have here with enclosed copys —

I had writ to my Lord Carteret in 1722 that some inhabitants of New Jersey had a prospect of silver mines, but would make no discovery of them unless they could be assured what share they should be allowed in them, in case those mines were still in His Majesty.

The Lords of Trade to whom this letter was referred, have taken the opinion of the Attorney and Sollicitor Generall, which is, that these mines are still in the King, and did not pass to the Grantees of New Jersey.

I have not lately heard from these people nor can I give them any encouragement to make a discovery, unless Your Grace shall think fit to obtain his Majtys instructions to me, what share His Majty will be pleased to empower me to offer to them in case of a discovery.

This is the first matter I mentioned to the Lords of Trade in my letter to them, of the 19th inst: relating to the affairs of New Jersey, of which I herewith enclose a copy to Your Grace.

The next thing in my letter to their Lordps is, to press them to consent to the application of the interest arising upon the bills of credit in New Jersey to the current service of the Governt as the first interest, has already been; their Lordsps have objected that such a variation from the first appropriation of the interest

which was to sink the bills, must hurt their credit, which apprehention I have endevour'd to remove by two certificates, one of the Merchants of New York, and the other from the Merchants of Amboy in East New Jersey, by which it appears, that the bills are in better credit since this new Act altering the application of the alteration may be safely made for the time to come, since this new Act, altering the application of the compleat without it, and that it is thought very hard to lay new Taxes, upon the people, while there is so much money lying dead in the hands of the Treasurers of the Province. * * * * *

There is a vacancy in the Council of New Jersey, by the death of M[r] David Lyoll,[1] in whose room I beg leave to recommend to Your Grace M[r] Cornelius van Horn[2], for His Maj[tys] appointment whom I have likewise proposed to the Lords of Trade in my letter of the 19th inst: he being a person of a very good estate and every way well qualifyed— I am with the greatest respect

My Lord Your Graces

Most dutiful and most obedient humble servant

W. BURNET.

Governor Burnet to the Duke of Newcastle.

[From N. Y. Col. Docts., Vol. V, p. 824.]

My Lords [Extract.]

New York 24[th] Aug: 1727

Upon receiving by a private hand the printed Proclamation and Declaration of His present Maj[ty], on the 20[th] inst: I did on the 21[st] proceed to proclaim His

[1] Mr. Lyell died January 25th, 1726, aged 55, and was buried in Topanamus Cemetery, Monmouth County, where his head-stone may yet (1882) be seen. For notice of his family see Whitehead's Contributions to the Early History of Perth Amboy, p. 84.—ED.

[2] Nomination of Mr. Van Horn confirmed May 31st, 1727.—ED.

Majᵗʸ King George the second with the usual solemnities at New York, and am now going to the City of Perth Amboy, in New Jersey to do the same. * * * *

I am with great respect Your Grace's
Most dutiful and most obliged humble Servant
W BURNET.

Governor Burnet to the Lords of Trade.

[From N. Y. Col. Docts., Vol. V, p. 827.]

26th August 1427

My Lords,

I have Yesterday proclaimed His Majesty in Perth Amboy in New Jersey with the usual solemnities, I hope I may depend on Your Lordships favourable Recommendation to His Majesty: I know of no complaints against me, nor any ground for any, nor of any that ever were made, but by the Merchants, upon account of my Endeavours to strengthen this Province and weaken Canada, which has been always my principal Aim, and in which I flatter myself I have done some service that may be an inducement to continue me in these Governments, where I shall always make it my study to act as becomes, My Lords,

Your Lordships' most obliged and most humble Servant,

W Burnet

[Endorsed] Rec'd Decr 20th 1727[1]

[1] The delay in the receipt owing to the vessel having encountered a storm, which obliged her to put back to refit, and she did not sail again until the latter part of October. N. Y. Docts., Vol. V.. p. 841.—ED.

Account of the Money received and paid by 1720, *to September*, 1725. *Enclosed in the*

[From P. R. O. B. T. New

AN ACCOMPT of all the Moneys Receiv'd into ern Division of the Province of New Toward the Support of this his Majestys day of September one thousand Seven Third day of September one thousand

The Treasurer of the Western Division *Dr.*

		£	s.	d.
1722-3 Hunterdon.	To moneys rec'd of Mr Joseph Peace Collector of the said County the Sum of	77	9	2½
Burlington.	To moneys rec'd of Mr Thomas Hunloke Collr of the sd County the Sum of	138	4	3½
Glouces-ter.	To moneys rec'd of Mr Joseph Cooper Collr of the sd County the Sum of	95	----	----
Salem.	To moneys rec'd of Mr Thomas Hill Collr of the sd County the Sum of	148	18	6
Cape May.	To moneys rec'd of Richard Downes Collr of the said County the Sum of	36	9	----
	Carried forward £	496	1	----

the Treasurer of West Jersey from September, foregoing letter.

Jersey, Vol. III, G 25.]

and paid out of the Treasury of the west-Jersey from the Several Counties thereof Governm^{t} Commencing the Twenty third hundred and Twenty and Ending the Twenty Seven hundred and Twenty five—

Per Contra *Cr*

		£	s.	d.
1723 Hunterdon.	By Cash p^{d} M^{r} William Trent Representative for the s^{d} County for his Attendance in the Gen^{l} Assembly P' his Warrant the Sum of	13		
	By D^{o} p. M^{r} Thos. Lambert Representative for s^{d} County P' his Warrant the Sum of	14	5	
Burlington	By Cash p^{d} M^{r} Jon^{a} Wright Representative for the Town of Burlington for his Attendance in the Gen^{l} Assembly as P' his Warr^{t} the Sum of	15	5	
	By D^{o} p^{d} M^{r} John Allen Representative of ut Supra P' Warr^{t} y^{e} Sum of	15	5	
Glouces-ter.	By Cash p^{d} M^{r} Sam^{l} Cole and M^{r} John Mickle Representatives of y^{e} Said County for their Attendance &c as P' their Warr^{ts} for the Sum of	31	5	
Salem	By Cash p^{d} M^{r} Isaac Sharp one of the Representatives for s^{d} County for his Attendance in the Gen^{l} Assembly P' Warr^{t} for the Sum of	16		
	By Cash p^{d} M^{r} Bartholomew Wyat for Ditto	16		
	By Cash p^{d} M^{r} John Mason for Ditto	16		
	By Cash p^{d} M^{r} Thomas Mason for Ditto	12	15	
Cape May.	By Cash p^{d} M^{r} Humphrey Hughes Representative for s^{d} County for his Attendance in y^{e} Gen^{l} Assembly P' his Warr^{t} y^{e} Sum of	16	15	
	By Cash p^{d} M^{r} Nathaniel Jenkins for Ditto	16	15	
Jany 12.	By moneys p^{d} Peter Bard Esq^{r} P' Warrant No (10	12	10	
	By moneys p^{d} John Wills Esq^{r} P' Warrant (7	10	10	
14	By moneys p^{d} William White Door keeper &c P' Warr^{t} (16	8		
16	By moneys p^{d} his Excellency y^{e} Govern^{r} P' Warrant (1	50		
	Carried forward £	264	5	

1723	Brought forward..... £	496	1	----
Hunterdon	To moneys rec'd of Mr Joseph Peace Collr of said County the Sum of.....	80	1	7½
Burlington	To moneys rec'd of Mr Thomas Hunloke Collr of Said County the sum of.....	181	00	5½
Glouces-ter	To moneys rec'd of Mr Joseph Cooper Collr of sd County ye Sum of.....	90	8	9
Salem	To moneys rec'd of Mr Thomas Hill Collr of sd County ye sum of.....	151	00	6
Cape May	To moneys rec'd of Mr Richard Downes Collr of sd County the Sum of.....	33	1	10¾
	To moneys rec'd of John Parker Peter Bard Robert Lettice Hooper and Jas Trent Esqr the Signers of the Forty thousand pounds in Bills of Credit made Current by Virtue of an Act of the Genl Assembly of this Province of New Jersey, Entituled an Act for an Additional Support of this Government and making Current Forty Thousand pound in Bills of Credit for that & Other purposes therein menc'oned to be by the sd Treasurer Disposed of in such manner as in & by the said Act, & Votes of the House of Representatives is directed, the Sum of..	1000	00	0
	Carried forward..... £	2031	14	2¾

	Brought forward £	264	5	
21	By moneys p^{d} for y^{e} use of John Reading Esq^{r} P' Warr^{t} (9	4	10	
Feby 13	By moneys p^{d} his Excell^{cy} the Govern^{r} P' Warrant (19	62	10	
April 25	By moneys p^{d} Jeremiah Basse Esq^{r} Attry Gen^{l} P' Warr^{t} (24	80		
May 5	By moneys p^{d} for the use of M^{r} Kearney P' Warrant (12	26		
13	By moneys p^{d} his Excellency the Govern^{r} P' Warrant (25	62	10	
	By moneys p^{d} my Self as Treasurer P' Warrant (	30		
	By moneys p^{d} Ja^{s} Smith Esq^{r} Secretary P' Warrant (21	6	5	
	By moneys p^{d} D^{o} P' Warrant (27	6	5	
1723				
June 14	By moneys p^{d} Jo^{n} Warden Serj^{t} at Arms P' Warrant (15	10		
Nov^{r}	By moneys p^{d} M^{r} John Haskoll doorkeeper &c P' Warr^{t} (23	15		
23	By moneys p^{d} M^{r} Bass Attorney Gen^{l} P' Warrant (47	10		
	By moneys p^{d} his Excellency the Govern^{r} P' Warrant (28	62	10	
Dec^{br} 2	By moneys p^{d} for the use of Ditto P' Warrant (31	62	10	
Jan^{ry} 20	By moneys p^{d} for the use of Ditto P' Warrant (34	62	10	
22	By moneys p^{d} M^{r} John Haskoll P' Warrant (48	5		
Feb. 1	By moneys p^{d} M^{r} Jamison Late Chief Justice P' Warr^{ts} N^{o} 20, 26 & 29	75		
3	By moneys p^{d} My Self P' Warrant (58	20		
15	By moneys p^{d} Ja^{s} Smith Esq^{r} Sec'ry P' Warrants (30 & 33	12	10	
March 13	By moneys p^{d} Coll Hooper's Warr^{t} P' Speaker Certificate	19	4	
	By moneys p^{d} M^{r} Jacob Doughty P' Warrant (32	10		
	By moneys p^{d} M^{r} Lyel P' Warrant (4	10		
	By moneys p^{d} M^{r} Tho: Hunloke P' Warrant (28	10		
	By moneys ^{d} M^{r} Jenkins P' Warrant (	22	4	
	By moneys p^{d} Francis Collins Serj^{t} P' Warrant (52	3		
	By moneys p^{d} Ditto P^{r} Warrant (38	10	13	
14	By moneys p^{d} P' Speakers Certificate to M^{r} Jon^{a} Wright	20	8	
	By moneys p^{d} W^{m} White door keeper P' Warrant (54	9	17	6
	By moneys Paid to Jo^{n} Reading Esq^{r} P' Warrant N^{o} 44	17	10	
	By moneys p^{d} Ditto P' Warrant 35	10		
	Carried forward £	1020	1	6

1724	Brought forward £	2031	14	2¾
Hunt-erdon	To moneys rec'd of Mr Joseph Peace Collr of said County the Sum of.....	51	9	----
Bur-lington	To moneys rec'd of Mr Thos Hunloke Collr of sd County the Sum of.....	85	15	----
Glouces-ter	To moneys rec'd of Mr Joseph Cooper Collr of sd County the Sum of.....	59	12	----
Salem	To moneys rec'd of Mr Thomas Hill Collr of said County the Sum of.....	105	2	9
Cape May	To moneys rec'd of Richard Downes Collr of sd County the Sum of.....	21	14	----
1725				
Hunt-erdon	To moneys rec'd of Mr Joseph Peace Collr of sd County the Sum of.....	51	9	----
Bur-lington	To moneys rec'd of Mr Thomas Hunloke Collr of said County the Sum of.....	85	15	---
Glouces-ter	To moneys rec'd of Mr Joseph Cooper Collr of sd County the Sum of.....	59	12	----
Salem	To moneys rec'd of Mr Thomas Hill Collr of sd County the Sum of.....	100	3	----
Cape May	To moneys rec'd of Mr Richard Downes Collr of sd County the Sum of.....	21	14	----
	Carried forward.....	2673	19	11¾

1723	Brought forward £	1020	1	6
	By moneys p^{d} Matthew Champion P' Warrant 27	10	----	----
16	By moneys p^{d} Humphrey Hughes P' Speakers Certificate	22	10	----
	By moneys p^{d} Jacob Spicer Esq^{r} P' Warrant 24	10	----	----
	By moneys p^{d} Sam^{l} Cole Esq^{r} P' Speakers Certificate	21	----	----
17	By moneys p^{d} John Kay Esq^{r} P' Warrant 25	10	----	----
	By moneys p^{d} the Speaker P' Order	21	----	----
	By moneys p^{d} Peter Bard Esq^{r} P' Warrant 45	20	8	----
	By moneys p^{d} Ditto P' Warrant 10	10	----	----
19	By moneys p^{d} John Wills P' Warrant 7	10	----	----
	By moneys p^{d} Ditto P' Warrant 43	20	8	----
	By moneys p^{d} M^{r} Dickenson Shepperd P' Warrant 33	10	----	----
	By moneys p^{d} Thomas Mason P' Warrant 29	10	----	----
	By moneys p^{d} Jeremiah Bass Esq^{r} P' Warrant 31	10	----	----
	By moneys p^{d} Tho: Mason P' Certificate	21	12	----
	By moneys p^{d} my Self P' Certificate from the Speaker	20	8	----
	By moneys p^{d} to y^{e} use of his Excellency P' Warrant 37	62	10	----
May 15	By moneys p^{d} Ja^{s} Alexander Esq^{r} P' Warrant 69	5	16	8
	By moneys p^{d} for the use of his Ex^{cy} P' Warrant 53	62	10	----
1724				
June 20	By moneys p^{d} my Self P' Warrants 67 & 68	20	----	----
July 4	By moneys p^{d} Jas Smith Sec'ry P' Warrants 36, 39, 62	18	15	----
9^{ber} 3	By moneys p^{d} myself P' Warrant 88	10	----	----
11	By moneys p^{d} Ja^{s} Smith Esq^{r} &c P' Warrants 66, 73, 76	18	15	----
Jan^{r} 26	By moneys p^{d} his Excellency the Govern^{r} P' Warrant 60	62	10	----
	By moneys p^{d} Ditto P' Warrant 64	62	10	----
Feb^{r} 23	By moneys p^{d} M^{r} Haskoll P' Warrant 80	5	00	----
March	By moneys p^{d} to y^{e} use of M^{r} Jemison P' Warrants 61, 65	50	00	----
21	By moneys p^{d} John Parker Esq^{r} for Changing old Bills	7	12	3½
	By moneys p^{d} Dan^{l} Smith for Ditto	31	5	9
	By moneys p^{d} Dan^{l} Smith P' Warrant 34	10	----	----
	By moneys p^{d} John Mason P' Speakers Certificate	21	12	----
	By moneys p^{d} John Mason P' Warrant N^{o} 26	10	----	----
	By moneys p^{d} Bartholomew Wyat P' Speakers Certificate	21	12	----
	By moneys p^{d} John Hugg Esq^{r} P'Warrant 9	10	----	----
	By moneys p^{d} Ditto P' Warrant 39	21	----	----
	Carried forward £	1758	16	2½

1725	Brought forward £	2673	19	11¾
	To moneys rec'd of Jas Alexander Esqr on the accot of the Excise the sum of	36	13	3½
	To moneys rec'd of Jeremiah Bass Esqr on accot of Ditto	7	17	9
	To moneys (reported to be in ye Treasury by a Committy appointed to Inspect into the Treasurer's accots) & rec'd from the Commissionrs of the Loan Offices of ye Severall Counties of the Western Division of this Province the sum of	596	5	6
	To moneys rec'd of Mr Joseph Peace Collr of the County of Hunterdon the sum of Seventy-four pounds and Six pence being the Sum appointed the sd County to pay towards the Tax of one Thousand pounds P Annum for the Sinking the Bills of Credit of this Province Commonly called the land Tax	74	00	6
	To moneys rec'd of Mr Tho: Hunloke Collr of the County of Burlington being in part of the Sum appointed the said County to pay ut supra, the sum of	117	9	11½
	£	3506	6	11¾

	Brought forward £	1758	16	2½
	By moneys pd John Mickle P' Speakers Certificate	21	----	----
	By moneys pd Joseph Cooper P' Warrant 30	10	----	----
	By moneys pd Thomas Lambert P' Speakers Certificate	21	----	----
	By moneys pd Benja Clark P' Warrant 20	10	----	----
	By moneys pd Robt Eaton in Exche of old Bills with Intr	2	3	1
	By moneys pd Laurence Silk in Exche for one bill	1	2	6
	By moneys pd Mr William Bradford P' Warrt 59	155	----	----
	By moneys pd Jas Trent Esqr P' Warrant 58	45	----	----
	By moneys pd the Chief Justice P'Warrant 75	33	6	4
April	By moneys pd his Excellency the Governr P' Warrt 72	62	10	----
	By moneys pd in full of ye Late chief Justice Mr Trents Warrt 82	25	----	----
1725				
30	By moneys pd to ye use of the Chief Justice P' Warrt 75	33	6	4
	By moneys pd Mr Jemison on ye Ball. of his Warrt 71	7	9	2
May 13	By moneys pd Jas Smith Esqr P' Warrant 47	20	8	----
15	By moneys pd Peter Bard Esqr P' Warrant 56	45	----	----
June 1	By moneys pd Isaac Sharp P' Warrant 23	10	----	----
	By moneys pd Ditto P' Certificate	15	----	----
19	By moneys pd my Self as Treasurr P' Warrant 64	5	----	----
July 17	By moneys pd Mr Bass in Excha for old Bills	6	7	3
	By moneys pd Samuel Furins in Excha for old Bills the Sum of £31: 13: 0 with Intr. for 5 Years 3 mo & 25 days added to the first principal makes £45: 2s. York in procl. is	38	13	1½
Septembr 2	By moneys pd Mr Hollinshead in Excha for old Bills the sum of 3£. 6 shill: with Intr. as the Law directs	4	00	2
Novembr 3	By moneys pd my Self as P' Warrant No 75	5	00	----
October 6	By moneys pd William Trent Esqr Ch: Justice P' Warrt 67	25	00	----
Janr 3	By moneys pd to the use of his Excellency P' Warrt 43	62	10	----
19	By moneys pd to the use of Ditto P' Warrts 74, 81	125	00	----
Febr 16	By moneys pd to the use of Ditto P' Warrant 84	62	10	----
	By moneys pd to the use of Jas Smith P' Warrant 72	10	00	----
May 13	By moneys pd to the use of his Excellcy P' Warrant 94	62	10	----
	By moneys pd his Excellency ye Governr half incidts P' Warrt 1	250	00	---
	Carried forward £	2932	12	2

1725	Brought forward £	3506	6	11¾
	To moneys rec'd of Joseph Cooper Coll^{r} of y^{e} County of Gloucester Eighty five pounds fifteen shill^{s} being the Sum appointed y^{e} s^{d} County to pay ut Supra, the Sum of ...	85	15	
	To moneys rec'd of George Trenchard Coll^{r} of the County of Salem one hundred forty four pounds Two Shillings being the Sum appointed ut Supra	144	2	
	To moneys rec'd of Rich^{d} Downes Coll^{r} of the County of Cape May thirty one pound four Shill^{s} and Sixpence being the Sum appointed ut Supra	81	4	6
	£	3717	8	5¾

Burlington y^{e} 5th Septemb$_{r}$ 1726

Then personally came and appeared before me Peter Bard Esq^{r} One of his Majesty's Council and Second Judge for the Province of New Jersey in America, John Allen Esq^{r} Treasurer of the Western Division of the Province aforesaid who on his solemn Oath which he took on the holy Evangelist of Almighty God Did Depose That the Account herewith Shewn is True both as to the Sums by him received in his Capacity abovesaid of the County therein mentioned, and of his payments and Disbursements thereof, And that the Sum of three thousand seven hundred and

1725	Brought forward £	2932	12	2
	By moneys p^{d} John Wills Esq^{r} one of his Maj^{ts} council P' War^{t} 7	17	14	
	By moneys p^{d} John Hugg Esq^{r} Ditto P' Warrant 8	11	8	
	By moneys p^{d} Peter Bard Esq^{r} ut supra P' Warr^{t} 9	15	6	
	By moneys p^{d} John Reading Esq^{r} ut supra P' Warr^{t} 10	10	10	
	By moneys p^{d} Fra Collins Serj^{t} at Arms P' Warrant 17	10	10	
	By moneys p^{d} M^{r} Jenkins Representative &c P' Certificate	23	14	
	By moneys p^{d} M^{r} Humphrey Hughes P' Certificate	21	14	
	By moneys p^{d} M^{r} John Mason represent P' Certificate	21	18	
	By moneys p^{d} M^{r} Tho: Mason D^{o} P' Certificate	21	18	
	By moneys p^{d} M^{r} Barth. Wyat P' Certificate	21	18	
	By moneys p^{d} M^{r} Sam^{l} Cook representa. P' Certificate	20	14	
	By moneys p^{d} M^{r} John Mickle P' Certificate	20	14	
	By moneys p^{d} M^{r} Tho: Lambert P' Certificate	20	2	
	By moneys p^{d} M^{r} Jonathan Wright P' Certificate	20	2	
	By moneys p^{d} my Self P' Certificate	20	2	
	By moneys p^{d} M^{r} Mahlon Stacey P' Certificate	9	18	
	By moneys p^{d} my Self P' Warrant N^{o} 97	10	00	
	By moneys p^{d} my Self P' Warrant N^{o} 103	5	00	
7^{br} 16	By moneys p^{d} M^{r} Haskol P' Warrant N^{o} 106	7	10	
24	By moneys p^{d} M^{r} Smith P' Warrant N^{o} 11	19	10	
Nov^{r} 15	By moneys p^{d} M^{r} Bradford P' Warrant N^{o} 16	8	00	
10^{br} 8	By moneys p^{d} M^{r} Smith P' his Warr^{ts} N^{o} 93, 99, 105	18	15	
	£	3241	9	2
	By Sundry Bills of Credit Cancelled at Perth Amboy before his Excellency the Govern^{r} in Councell pursuant to an Act of the Gener^{l} Assembly of this Province, Entituled an act for an additional Support of this Governm^{t} & making Curr^{t} Forty Thousand pounds in Bills of Credit &c as P' Receipt Dated July 14: An^{o} Do^{s} 1726 the Sum of	448	00	00
	£	3689	9	2

seventeen pounds Eight Shillings and five pence three farthings is as this deponent verily believes Exactly what he hath rece^{d} from the Countys of Hunterdon, Burlington, Gloucester, Salem and Cape May from the Twenty third day of September anno. Dom: one thousand Seven hundred & twenty to the Twenty third day of September one thousand Seven hundred and Twenty five— Sworn before me

PETER BARD

Account of Money received and paid by the Treasurer 1726, *enclosed in*

[From P. R. O. B. T. New

Michael Kearney Treasurer of the Eastern Di- Support of Governm^t^ for

Dr.

		£	s.	d.
1723–4 Dec^er^ 5 & Jan^er^ 31.	To Cash rec^d^ of Moses Rolfe Collector of Middlesex County	110	10	7½
Jan'ry 6^th^	To Cash Rec^d^ of Nathaniel Bonnell Collector of Essex County £109: 14: 10½			
D^o^ 13	To Cash Rec^d^ of D^o^ 32: 13: 6	142	7	4½
Jan'ry 22'd	To Cash rec^d^ of William Lawrence Jun^r^ Collector of Monmouth County	176	13	6
Jan^ry^ 30	To Cash rec^d^ of Michael vanveighty Collector of Somerset County	41	14	9
1724 March 25	To Cash rec^d^ of William Provost Collector of Bergen County	86	6	7
April 30	To the farmers of the Excise	172	16	3¼
May 6	To the farmers of the Excise	85	9	4¾
	£	815	18	6
1724–5 Jan^r^ 9^th^	To Cash rec^d^ of Nath Bonnel Collector of the County of Essex	89	12	6
11	To Cash rec^d^ of Mich^l^ Vanveighty Coll^r^ of the County of Somerset	27	2	----
22^d^	To Cash rec^d^ of W^m^ Lawrence Jun^r^ Collector of the County of Monmouth	117	17	----
ffeb^ry^ 24	To Cash rec'd of Moses Rolfe Collector of the County of Middlesex	67	10	----
ffeb^ry^ 25	To Cash rec'd of Will^m^ Provost Collector of the County of Bergen	56	19	----
1724 June 14 & Aug 25	To the farmers of the Excise	70	8	2
	To the farmers of y^e^ Excise	41	12	2
	£	471	----	10

of East Jersey from December 1723 to October foregoing letter.

Jersey, Vol. III, E. 26.]

vision of y^e^ Province of New Jersey for the year 1723–4 1724, 1725.

Cr

		£	s.	
Decem. 5	By his Excellency Warr^t^ No. A 31£ 62: 10			
Jan 6	By Do A 34: 62: 10			
		125	----	----
---- 19	By Jeremiah Bass his Warr^t^ as attorney Gen^ell^	14	3	4
---- 24	By Ja: Smith 2 war^ts^ as Clark of ye Councill	12	10	----
ffeb^ry^ 5	By his Excellencys 2 Warr^s^ N^o^ 40 & 43	125	----	----
---- 11	By David Jamison Chief Justice Warr^ts^	50	----	----
---- --	By the treasurers Warrants	20	----	----
---- 25	By Jn^o^ Haskell Doorkeeper of y^e^ Councill Warr	10	----	----
---- 26	By David Jamison warr^t^ as Chief Justice	25	3	----
March 3	By Zach: Weeks Warr^t^ as Serjeant at Arms	9	----	----
25	By his Excellencys warr^t^ No. 40 £ 62: 10			
Ap^l^ 25	By D^o^ warr^t^ No. 37 £ 62: 10			
		125	----	----
29	By his Excellencys Warr^t^ N^o^ A50 £62: 10			
	By D^o^ Warr^t^ N^o^ B50 £62: 10			
		125	----	----
30	By David Lyell warr^t^ as Councellor for Wages	14	----	----
May 7	By John Anderson as D^o^ for d^o^	5	----	----
	By David Jamisons 4 warr^ts^ as Chief Justice	100	----	----
	By Ja Smith 2 warr^ts^ as Clark of y^e^ Councill	12	10	----
	By Mich^l^ Kearnys warr^t^ as Treasurer	10	----	----
	£	782	6	4
Jan'ry 22	By his Excellency 2 Warr^t^ N^o^ 53 & 60	125	----	----
ffeb: 3	By John Haskels warr^t^ as Doorkeeper of the			
25	Councill	5	----	----
	By his Excellencys 2 Warr^ts^ N^o^ 64 & 72	125	----	----
	By Ja Alexander 2 warr^ts^ as attorney Gen^ll^	20	----	----
& Aug 18	By m^r^ Trents Warr^t^ aa Chief Justice	25	----	----
25	By Ja Smiths Warr^ts^ as Clark of y^e^ Councill	12	10	----
27	By his Excellencys the Gov^r^ Warr^t^ N^o^ 74	62	10	----
	By Mich^l^ Kearny Treasurers Warr^ts^	15	----	----
	£	390	----	----

1725–6		£	s.	d.
Janry 11	To Cash recd of Nath Bonnell Collector of the County of Essex	104	18	----
ffebry 9	To Cash recd of Wm Lawrence Jun Collector of the County of Monmouth	117	17	----
March 2d	To Wm Provost Collector of the County of Bergen	56	19	----
1726				
Aprll 7	To Cash recd of Michl vanveighty, Collecr County of Somerset	27	2	----
July 16	To Cash recd p'Moses Rolfe orders Collector of Midx County	52	17	----
23	To Cash p' moses Rolfe Collector of said county	27	----	----
	£	386	13	----

Cr.

		£	s.	
ffebry 18	By his Excellency Warrt No. 81	62	10	
March 2	By his Excellency 3 Warrts No 84 No A 91 B 91	187	10	
May 18	By his Excell warrt No A 94	62	10	
28	By Robt Lett Hoopers Warrt as Chief Justice	25		
July 14	By Do Warrt as Chief Justice	25		
	By Do Warrt as Chief Justice	25		
	By Michl Kearneys Warrt as Treasurer	15		
Sep. 10	By mr Trents warrt as Chief Justice	25		
	By mr Haskells warrt as Door keeper of the Councill	2	10	
	£	430		

An Account of 3000^{lb} *Raised by virtue of An Act of Assembly passed att Burlington Anno* 8^{o} *R R Georgij and Paid out by Michael Kearny Treasurer of the Eastern Division of the province of New Jersey viz^{t}*

		£	s.	d.
1724				
March 5th	To Josiah Ogden Warr^{t} as Assembly Man in 1720-1 £10: --: --			
—	To D^{o} Certificate from the Speaker as Assemblyman in 1723 21: 12: --			
		31	12	----
	To W^{m} Eiers warr^{t} as Asssemblyman	10	----	----
	To W^{m} Lawrence warr^{t} as Assemblyman in 1720–1 £10: --: --			
—	To D^{o} warr^{t} as assemblyman in 1723 £21: 6: --			
		31	6	----
	To Garrat Scanck Certificate from the Speaker as assemblyman	18	18	----
20th	To John Harrison Warr^{t} as assembly man in 1720-1	10	----	----
21	To Thos Hall d^{o} as D^{o} in D^{o}	10	----	----
—	To John Kinsey D^{o} as D^{o} in Do £ 10: --: --			
	To D^{o} Certificate from y^{e} Speaker as assemblyman in 1723 £21: 12: --			
		31	12	----
—	To Jn^{o} Johnston Junr Warr^{t} as Councellor	10	----	----
24	To W^{m} Provost Certificate from the Speaker as assembly man in 1723 £22: 4: --			
	To Isaac Vangezen Certificate from D^{o} as D^{o} in 1723 £22: 4: --			
		44	8	----
1724				
Ap^{ll} 3	To Jn^{o} Parrkers Warr^{t} as Councellor in 1721 £10: --: --			
	To d^{o} Warr^{t} as Councellor in 1723 £17: 14: --			
		27	14	----
	To Jn^{o} Hamilton warr^{t} as Coun^{cl} in 1721 £10: --: --			
7th	To D^{o} as Councellor in 1723 10: 4: --			
		20	4	---
9	To Zach Weeks warr^{t} as Serjeant att Arms	6	15	----
	To Jn^{o} Wardens D^{o} as D^{o} in 1721	7	6	----
	To David Lyell as Councellor	21	----	----
	To his Excellencys Warrant	1000	--	----
	To Samuel Leonards D^{o} as assemblyman	5	14	----
	Carried forward £	1286	9	----

1724	Brott forward £	1286	9	----
	To Thos Leonard Do as assemblyman	21	----	----
	To James Alexander Warrt for Services done	40	----	----
	To Do Warr. as Councellor in 1723	21	----	----
	To Jos Bonnells Warrt as Assemblyman in 1721 £10: --: --			
	To do Certificate from the Speaker as assemblyman in 1723 ... 21: 12: --			
		31	12	----
14	To Jno Andersons Warrt as Councellor in 1721 £10: --: --			
	To Thos Gordon Warrant as Councellor in 1721 10: --: --			
		20	----	----
Apll 19	To Moses Rolfe warrt as assembly man in 1721 £10: --: --			
	To do Certificate from Speaker as assemblyman in 1723 £21: 12: --			
		31	12	----
27	To Peter Bards Warrt as Second Judge	25	----	----
	To Peter la Haupes Esqr Warrt pd m. Trent	100	----	----
	To John Parkers Warr. as Signor of the Bills of Credit	45	----	----
May 1st	To Wm Trent Warrt for additional Sallary as Chief Justice	50	----	----
4th	To Robt Lett Hoopers Warrt as Signer of ye Bills of Credit	45	----	----
6	To James Alexanders Sallary as Att'y General	20	----	----
	To Mich Kearny Warrt as Clark of the assembly	28	16	----
	To Do Warr't for transcribing ye minutes of the assembly	10	----	----
	To Do Warrt for Services done in 1721 ...	20	----	----
25	To Jam Smith Warrt for addiccionall Sallary as Clark of the Councill	10	----	----
29	To Elisha Lawrence Warrt as Assembly man in 1721	10	----	----
June 10	To Hessell petersons Warrt as do in do	10	----	----
	To Lewis Morris his Warrt as Councell'r in 1721	10	----	----
Sepr 15	To Philip Schuylers Warrt as assemblyman in 1721	10	----	----
	To Michl Kearny additional Sallary as Treasurer	5	----	----
Octob 26	To Jam Alexander warrts for additionall Sallary as attorney Generall	20	----	----
	To Peter Bards warrt as Second Judge	25	----	----
	To Michl Kearny Warrt as Treasurer	5	----	----
	To Sundry persons in Exchange of Old Bills and Intrest thereon	844	16	10½
	Carried forward £	2745	5	10½

1724	Brott forward £	2745	5	10½
	To Wm Trents Warr for additional Sallary as Chief Justice	25		
1725 Aug 18	To mr Lyell warrt for Standars and weights for the provinces vse	24	18	9
27	To Jam Alexanders Warrants for additionall Sallary as Att'ry Generall	30		
	To Peter Bard Warrts as Second Judge	37	10	
	To Mich Kearneys Warrant for additionall Sallary as Treasurer	7	10	
	To Robt Lett Hoopers Warrt for additionall Sallary as Chief Justice	50		
	To Ja Smith Warrt as Clark of the Circuits	15		
	To mr Trents Warrt for additional Sallary as Chief Justice	25		
	To mr Smiths Warrt as Clark of the Circuits	5		
	To Mich Kearny as Teasurer	2	10	
	To Coll Hoopers warrt for additionall Sallary as chief Justice	25		
	£	2992	14	7¾
	By Cash pd by the Signors of the Bills of Credit	3000		

An Account of Money raised by Virtue of An Act of Assembly passed att Burlington Anno Regnij Regis Georgij 8º & paid by the Severall Collectors unto Michael Kearny Treasurer of the Eastern Division of New Jersey Anno 1725 *which money is to Be Sunck and is vizt*

Dr. *Cr.*

1725–6		£	s.	d.	1726		£	s.	d.
Janry 11	To Nathaniel Bonnell Collector of the County of Essex	129	14		July 19	By Sundry Bills of Credit Cancelled by the Governour in Councill by virtue of An Act of Assembly passed Anno 8º R. R. Gij And another Act Entituled An Act Concerning the Appointment of Comissioners of the Loan Office & Concerning the Sinking of four thousd pd in Bills of Credit &c	420	4	
ffeb 9	To William Lawrence. Collector of the County of Monmouth	169	11	6					
Mar: 2 1726	To William Provost Collector of the County of Bergen	81	18	6					
Aprill 7	To Mich'l Vanveghty Collector of the County of Somerset	39							
July 23	To Moses Rolfe Collector of the County of midlesex	44			July 23	By Sundry Bills of Credit Cancelled by the Governour in Councill as before	44		
Octor 29	To Moses Rolfe Collector of Ditto	67	16						
		£532					£464	4	

Errors Excepted This 31 October 1726

p' MICH: KEARNY

Perth Amboy 31 October 1726

Personally appeared before me Robt Lettis Hooper Esqr chief Justice of the province of New Jersey Michael Kearny Treasurer of the Eastern Division who being Sworn on the Holy Evangelist of Almighty God Did Depose to the truth of y. Said Acctˢ to the best of his knowledge

R: L: HOOPER.

AN ACCOUNT *of the Intrest Money p^d by the Severall Commissioners of the Loan Office unto the Treasurer of the Eastern Division of the province of New Jersey in the Year* 1725 *and what is paid out of the Same.*

Dr. *Cr.*

1725		£	s.	d.	1725		£	s.	d.
June 15	To the Commissioners of the Loan Office for the County of monmouth after Deducting their own Sallary is	226	13	---	Aug't 21	By Jos: Bonnells Certificate from the Speaker for his Attendances as assembly man	19	10	---
19	To the Comiss^rs of the County of Bergen	107	6	---	----	By W^m Lawrence Ditto from D^o for Ditto	19	10	---
29	To the Comiss^rs of the County of Essex	172	18	---	----	By Garrell Scanck ditto from D^o for ditto	19	10	
Aug 19	To the Comiss^rsof the County of Somerset	46	14	6	----	By W^m Provoost Ditto from d^o for ditto	20	8	---
----19	To the Com^rs of the County of Middlesex	148	1	---	----	By Isaac Vangezen d^o from Ditto for D^o	20	8	
					----21	By his Excellencys Warr^t	250	---	---
					----23	By John Parker warr^t as Councellor	19	10	
					Aug 23	By Jn^o Parker & Mich^l Kearny Warr^t	16		---
						By Mich^l Kearnys Warr^t	26	10	
					----	By Mich^l Kearnys Warr^t	16	---	---
					---- 24	By John Kinseys Certificate as assembly man	18	6	---
						By Sam Leonards Certificate as ditto	18	6	
						By Jn^o Johnston y^e Speakers Certificate	18	6	---
						By Jos Ogdens Certificate as assemblyman	19	10	---
						By Rob^t Lett Hoopers Certificate as do	19	10	---
	Carried forward £	701	12	6		Carried forward £	521	4	---

	£	s.	d.			£	s.	d.
Brott forward	£ 701	12	6	1725	Brott forward	£ 521	4	---
					By Thos Leonards Certificate as do	19	10	---
					By John Johnston Junr Warrant as			
				Aug 24	Councellor	9	12	---
				25	By Lewis Morris Warrt as Councellor	12	---	---
				----	By John Hamiltons Warrt as Councellor	19	10	---
				----	By David Lyell Warrt as Councellor	19	10	---
				27	By Ja: Alexanders Warrt as Councellor	15	---	---
					By Moses Rolfe Certificate from the			
					Speaker as Assembly man	18	6	---
					By Aaron Rowlesons Warrt as Door-			
					keeper of the Assembly	9	15	---
	£ 701	12	6			£ 644	7	---

Negroes Imported into New Jersey.

[From P. R. O. B. T., New Jersey, Vol. III, E. 29.]

Custom House Perth Amboy Eastern District of New Jersey in America.

An Acco't of What Negroes appears by the Custom house books To be imported into the Eastern Division of This Province from the Twentieth Day of July 1698 to the Twenty Second day of December 1726.

[From 1698 to 1717 inclusive there were none imported.]

Year	Month & Day.	Vessels Name.	Masters Name.	From Whence and Number of Slaves.			
				West Indies Islands.	Affrica.	Madagascar.	
1718	Septem^{r} 22^{d}	Brigintine Temperance.	Benjamin Sherman.	Barbados 8			—
1719							Nill
1720		Sloop John & Mary	Peter Gandy	Barbados 8			—
1721	Octo^{r} 23^{d}	Sloop George	Mathew Wolfe	Bb'dos St Martins 50			—
1722	September 3	Sloop John & Kathrine	John Tuder	Barbados 17			
1723							Nill
1724							Nill
1725	April 20th	Sloop Brunswick	John Musket	Barbados 5			
	July 24th	Sloop Dove	John Webb	8			
1726	Aprill 30th	Scooner Ann & Judith	Samuel Vincent	Cape Fransway 4			
	May 15th	Sloop Mary	Denis Lawrence	Jamaicia 4			
	June 27th	D^{o} Seaflower	Alexander Phoenex	Antigua 7			
	July 20th	D^{o} Anne	Garretts Garretts	Jamaico 3			
	August 13th	D^{o} Lark	James Toy	Jamaico 1			
				Total 115			

These do Certify That the above Contains a True Acco^{t} of all the Negroes which appear to be Imported into this District Dureing the Time herein Specifyed, and that it Doth not appear to me that any Negro's have been Imported from Affrica or Madagascar Dated Att the Custom house at the Perth Amboy This Twenty Second Day of Decem^{r} 1726.

Rob^{t} Hine Coll^{r}

Value of New Jersey Paper Money in New York.

[From P. R. O. B. T. New Jersey, Vol. III, E 27.]

Certificate of the New York Merchants of the Value of New Jersey Bills in Decembr 1726 rece'd with Mr Burnets Letter of 19th Decembr 1726.

We The Subscribers Merchants of the City of New York Do hereby Certify That the New Jersey paper money which was Issued the 25th of March 1724 by act of the Assembly of New Jersey dureing the first year thereafter did Scarcely obtain any Currency in this province of New York & by Degrees decreased in its value by discount upon it till it Came To pass & be Current at the rate of 7s New jersey Money for 6s New york money at which rate it past for Some Time & afterwards within the first year it was Even Scrupled at that rate by one Two three or four per Cent afterwards in the Second year of its Currency that Scruple Evanished by Degrees & it passed Current as aforesaid at 7s New jersey for 6s New York money In this province of New york without any Scruple That about 9 months agoe It began To be Chosen in payment rather than New york money at the rate aforesaid & by Degrees there became a premium upon it of 3d 6d 9d & 12d in the pound to Get New jersey Money at that rate & now there is Commonly given 6d 9d or 12d in the pound to get New jersey money here as aforesaid Witnes our hands the first day of December 1726

Richard Van Dam
Garrit van horne
Thomas Thong
Cor. Van Horne Sr
Nicholas Van Faerling
Jno Mtt Evers
John Walter

Rip Van Dam
JohnVanHorneD. Provoost
Jno LeMontes
Floris van Faerlingh
John Roosevelt
Heny Vanderspiegel

Abraham Van horne
Anth: Duake
Andw Teller
Robt Lurting
Abra Boelen
Cors Grorne
Rene Net

I Doe hereby Certify that the Subscribers of the Certificate on the other half Sheet are well known to me to be Some of the Chief & most Substantial Merchants of this City and that the Names Subscribed thereto is their proper hand writting also well known to me & that the facts of the Same Certificate are known not only to me but most people of this City To be True In Testimony whereof I have hereunto Sett my hand & Caused the Seal of the City of New York to be hereunto affixed this Ninteenth day of December 1726 ROB^{T} LURTING

(L. S.)

P' Order of the Mayor Will Sharpas C^{l}

Value of New Jersey Paper Money in Perth Amboy.

[From P. R. O. B. T., New Jersey, Vol. III, E 28.]

CERTIFICATE of Perth Amboy Merchants of the Value of New Jersey Bills in Decem^{r} 1726 rece'd with M^{r} Burnet's Letter of 19th Decem^{r} 1726.

We the Subscribers hereof Merchants of the City and Port of Perthamboy In the province of New jersey Do hereby Certify that the New jersey paper money which was issued the 25th of March 1724 by act of the Assembly of this province hath Ever Since the Issueing thereof passed Current not only thro' all this province but also in the province of Pensilvania without any Scruple or Discount thereon betwixt the Currency of Pensilvania & of this province It is true that in the year 1724 there arise a Discount betwixt the Currencys of both Said provinces & Gold to about 15 per Cent which Continued also most of the year 1725 But that Discount is now very Much Decreased, & Decreaseing So that Gold may be Got for 5 or 6 per Cent Difference & in Small Sums there is no

Defference allowed at all Neither is there any Defference allowed in this province betwixt the Currency here & of New York which province in the year 1724 Scrupled the Currency of this province & refused To take it but at the rate of 7s Newjersey for 6s New york money and Even Scrupled it at that rate by three or four per Cent But afterwards about 9s or 10s months agoe it began to be Chosen there in payment rather than New york money at the rate of 7s for 6s New york & then there Soon arose a premium of 3^{d} in the pound to get Newjersey money there at that rate afterwards 6^{d} in the pound Came to be given & now there is 6^{d} 9^{d} & 12^{d} in the pound given at New york to Get payment in New Jersey Money & its not Doubted by the Inhabitants of this province but that the people of New York will Soon be Convinced that our Currency is upon as good a foundation as the Currency of New york & receive it without makeing any Defference betwixt it and their own as the Inhabitants of this province have always done by theirs Witness our hands the Fiveteenth day of December 1726.

And^{w} Johnston	Mich: Kearney	Heron Putland
Fenw^{k} Lyell	Char: Dunster	Joseph Bonnet
Wm:Williamson	Sam^{l} Alting	J: Stevens
Henry Neale	Ebenezer Lyon	Jos: Ogden
Jn^{o} Cooper	Alex^{r} Mackdowalle	

I do hereby Certify that the Subscribers of the Certificate on the Other half Sheet are well known to me to be Some of the Chief and Most Substantial Merchants of this City and Port, and that the Names subscribed thereto is their Proper hand writting also well known to me and that the facts of the Same Certificate are Likewise known to me to be True In Testimony Whereof I have hereunto Set my hand & Caused the Seal of the City of Perth Amboy to be hereunto affixed This Fiveteenth day of December 1726. John Parker May^{r}

L.S.

From the Lords of Trade to Governor Burnet—about New Jersey Paper Money and other matters.

[From P. R. O. B. T. New Jersey, Volume XIV, page 145.]

Lett^{r} to M^{r} Burnet, Govern^{r} of New Jersey from the Board.

S^{r}

Since Our Lett^{r} to You of the 28th of June 1726, We have receiv'd Yours of the 19thth Decemb^{r} last and the papers Sent therewith

We observe in Your Said Letter, that You desire us to apply to His Majesty for Orders to You in relation to the Gold and Silver Mines in New Jersey, that You may encourage the Undertakers to make a Discovery on Such Terms as His Majesty Shall think fit to Grant them; Wherefore if You will transmit to us, any Proposals for working the Said Mines, We will lay them before the Lords of the Treasury, but till that be done We do not think Our Selves fully enabled to move His Majesty upon this Head.

We have consider'd the Two Certificates from the Merchants of New York, and Perth Amboy, that the Credit of the Paper Bills is considerably advanc'd as also what you write in relation to the Encrease in their Value, Since the Alteration you made in applying part of the Interest money arising upon the Loan, of the 40,000$^{£}$ in Bills of Credit, made current by the Act passed in 1723; but We cannot finde any reason for altering Our former Opinion with respect to the Said Bills; the Rise of which We are more inclin'd to think, is owing to the Stop put to the further application of the Sinking Fund, than to any other reason whatsoever, and therefore We desire You will be

cautious how You pass any Act, for applying the Said Sinking Fund, till all the Bills created by the Act of 1723 are Sunk, and this We conceive to be the only Means of keeping Your paper Currency in any Credit:

We have recommended as You desir'd Mr Cornelius Van Horn to be a Councillor in New Jersey for the Eastern Division, in the Room of Mr David Lyell deceased. So We bid You heartyly farewell, and are

Your very loving Friends and Humble Servants;

WESTMORLAND.
T: PELHAM.
M: PLADEN.
ED: ASHE.
R: PLUMER,

Whitehall March 2d 1726-7.

Additional Instruction to Governor Burnet—relative to Appeals.

[From the Original in the Library of the New Jersey Historical Society.]

(Royal Seal.)

GEORGE R ADDITIONAL INSTRUCTION for Our Trusty and Welbeloved William Burnet Esqr Our Captain General and Governor in Chief in and over Our Province of Nova Cæsarea or New Jersey in America, GIVEN at Our Court at St James's the Twenty-Third Day of March 1726-7 In the Thirteenth Year of Our Reign.

WHEREAS by the 89th & 90th Articles of Our Instructions to you, We did declare Our Will and Pleasure in manner following, Vizt "That Appeals be permitted "to be made in Cases of Error from the Courts in Our "Said Province of Nova Cæsarea or New Jersey, unto "you and the Council there, and in your Absence

"from Our Said Province, to Our Commander in Chief "for the time being, and Our Said Council in Civil "Causes, wherein such of Our Said Council as shall "be at that time Judges of the Court from whence "such Appeal shall be made to you, Our Governor "and Council, or to the Commander in Chief for the "time being, and Council as aforesaid, shall not be "admitted to vote upon the Said Appeal, But they "may nevertheless be present at the Hearing thereof "to give the Reasons of the Judgment given by them "in the Causes wherein such Appeals shall be made; "Provided nevertheless that in all Such Appeals the "Sum or Value appealed for, exceed £100 Sterling, "and that Security be first duely given by the Appel- "lant to answer such Charges as shall be awarded in "Case the first Sentence be Affirm'd And if either "Party shall not rest Satisfied with the Judgment of "You, or the Commander in Chief for the time being, "and Council as aforesaid. Our Will and Pleasure is, "that they may then Appeal unto Us in Our Privy "Council, Provided the Sum or Value so Appeal'd for "unto Us do exceed £200 sterling, and that such "Appeal be made within fourteen Days after Sentence, "and that good Security be given by the Appellant, "that he will effectually prosecute the same, and "answer the Condemnation, as also pay such Costs "and Damages as shall be awarded by Us in Case the "Sentence of You, or the Commander in Chief for "the time being and Council be affirm'd, and provided "also that Execution be not suspended by reason of "any Such Appeal to Us, in any Case when a Judg- "ment first given by an Inferior Court in Our Said "Province shall have been confirm'd by the Governor "and Council there." And Whereas, it has been represented to Us that by the immediate issuing of Executions whilst an Appeal hath been depending before Us in our Privy Council, great Inconveniences

have arisen where the Appellee hath become Insolvent or hath withdrawn himself and his Effects from that Province before Our Pleasure could be known on such Appeal, and Our Orders for reversing the Decree or Judgment appeal'd from and for making Restitution of the Estates or Effects which had been taken in Execution under the same, have been render'd ineffectual, and the Appellant left without any Redress, Now for preventing the like mischief for the future, It is Our Will and Pleasure that in Cases where by your Instructions you are to admit Appeals to Us in Our Privy Council, Execution be Suspended notwithstanding the Said Proviso, untill the final Determination of such Appeal, unless good and Sufficient Security be given by the Appellee to make ample Restitution of all that the Appellant shall have lost by means of such Judgment or Decree in Case upon the Determination of such Appeal, such Decree or Judgment should be revers'd and Restitution awarded to the Appellant. G. R.

Instructions to the Governors ordered, relative to the Suppression of Vice and Immorality in the Provinces.

[Fom P. R. O. B. T., Plantations General. Vol. X, [8] L, No. 53.]

Order of Committee of Council dated y^e^ 3^d^ of May 1727 requiring the Board to prepare Dra^ts^ of Instructions to y^e^ Sev^l^ Gov^rs^ of his Maj^tys^ Plantations, according to the prayer of y^e^ Petition of y^e^ L^d^ B^p^ of London concern-

ing y^e^ Laws ab^t^ Blasphemy, Prophaneness Adultery &c

At the Council Chamber Whitehall the 3^d^ day of May 1727—

L.S. By a Committee of the Lords of His Majesty's most Hono^ble^ Privy Council.

Whereas his Majesty was pleased to refer unto the Consideration of this Committee, the Petition of Edm^d^ Lord Bishop of Londin, humbly beseeching his Majesty to send his Instructions to the Governors of the several Plantations that they cause all Laws already made against Blasphemy, Prophaneness, Adultery, Fornication, Polygamy, Incest, Prophanation of the Lords day, Swearing and Drunkenness, in their respective Governments, to be vigorously executed; and that they earnestly recommend it to the several Assemblies to provide effectual Laws for the Restraint and Punishment of all such of the afore mentioned Vices against which no Laws are as yet provided and also if need be, to render the Laws now being, more effectual, and to provide in the several Governments for the Punishment of the forementioned Vices upon Oath to the Temporal Courts by the Church Wardens of the several Parishes at proper times of the Year to be appointed for that purpose (As is already provided in the Laws of Virginia) And also further humbly intreating his Majesty to recommend to the said Several Governors, the entring upon proper Methods for the Erecting and Maintaining of Schools, where they are wanted in order to the training up of Youth to reading, and to a necessary knowledge of the Principles of Religion—The Lords of the Committee this day took the said Petition into Consideration and thinking it

highly just, that all Persons who shall offend in any the Kinds aforesaid ought to be prosecuted and punished for their said Offences, are hereby pleased to Order that the Lords Commiss^{rs} for Trade and Plantations, do prepare proper Draughts of Instructions for Governors of all his Majesty's Plantations in America upon the several Points contained in the said Petition (which is hereunto annexed) And present the same to this Committee.[1]

ROBERT HALES.

To the King's most Excellent Majesty in Council

The Petition of Edmund Bishop of London.

Humbly Sheweth,

THAT about two Years since the said Bishop presented a Memorial to your Majesty in Council setting forth that the Plantations abroad being no part of the Diocese of London, He did not conceive himself to be sufficiently warranted in the Exercise of Ecclesiastical Jurisdiction therein, unless he might be empowered by Commission from your Majesty under your Great Seal and also humbly offering to your Majesty divers reasons why it might not be convenient at this time, that such Ecclesiastical Jurisdiction should be extended to the Correction of the manners of the Laity, as well as of the Clergy in the said Plantations: Whereupon your Majesty was gracious pleased to Order a Commission to be issued to the said Bishop, for the exercising a Jurisdiction only over the Clergy, and in some other matters which more immediately concern the Publick Worship of God, which Commission hath accordingly issued.

[1] The instruction was prepared and submitted June 6th, 1727.—ED.

That the several Crimes and Vices of Blasphemy, Prophaneness, Adultery, Fornication, Polygamy, Incest, Prophanation of the Lord's day Swearing and Drunkenness, are punishable by the Ecclesiastical Laws of this Realm, whether committed by the Laity or the Clergy; being detected and presented upon Oath by Persons appointed for that purpose; which Laws may not be executed upon the Laity in your Majestys Plantations abroad nor any Presentments be made there to any Ecclesiastical Judge for that end by reason that the said Commission is restrained to the manners of the Clergy only.

In consideration whereof, and that the said enormous Crimes and Vices may be duly discountenanced and punished in all parts of your Majesty's Dominions, the said Bishop doth most humbly beesech your Majesty that you will be graciously pleased to send your Instructions to the Governors of the several Plantations, that they cause all Laws already made against any of the forementioned Vices in their respective Governments to be vigorously executed; and that they earnestly recommend it to the several Assemblies, to provide effectual Laws for the Restraint and Punishment of all such of the forementioned Vices against which no Laws are as yet provided; and also if need be, to render the Laws, now in being, more effectual; and to provide in the several Governments for the presentment of all the forementioned Vices upon Oath to the Temporal Courts, by the Church: Wardens of the several Parishes at proper times of the Year to be appointed for that purpose (as is already provided in the Laws of Virginia) To the end the Persons offending may be duly punish'd according to the Tenor and Intent of the said Laws as well those which are already made, as those which shall hereafter be made.

And inasmuch as the most effectual way to Suppress Vice and Wickedness in any Nation or Country, is the

careful Education of their Youth in the Docrines and Principles of the Christian Faith; the said Bishop doth most humbly intreat your Majesty, that you will be graciously pleased to Recommend to the several Governors in your Plantations, the entring upon proper Methods for the Erecting and maintaining of Schools, where they are wanting in order to the training up of Youth to reading and to a necessary Knowledge of the Principles of Religion.

Letter from Governor Burnet to Secretary Popple.

[From N. Y. Col. Docts., Vol. V, p. 820.]

New York, 12th May 1727.

Sir

I send herewith the account of the Inhabitants of New Jersey, which I could not get sooner. The map of those Provinces is not yet ready, but shall be sent in the Fall, The Surveyors say it is very difficult to make anything of an Exact one, the surveys that have been made often lying at a distance from any others, that the Connexion between them must often be guess work. This they are endeavouring to correct as well as they can, by all the Observations they can gather from their predecessors' papers, so that it is no wonder it has taken time.

I am very sorry to learn from Mr Le Heup that the Lords are not disposed to give leave to apply the Interest Money to the current service in New Jersey, Nothing is more certain than that the money has been rising in its value ever since the last Act applying it so past here, and their Lordships' letter disapproving it could have no part of that effect, for it was not known to any when those Certificates were taken, but to a few to whom I told it, and there was no alteration

followed upon my telling it. I have been forced to adjourn the Assembly from the Spring 'till after harvest, and don't expect to meet them on any good humour, since they must meet at their own charge, which they are not at all used to do. I wish their Lordships may alter their Opinion by that time upon what I have already writ to them, to which I can add nothing but what I now tell you, being unwilling to importune their Lordships upon a point to which they shew a dislike, I am, Sir

Your most obedient humble servant

W. BURNET.

Census of the Province of New Jersey Anno 1726, *inclosed in the foregoing letter.*

[From P. R. O. B. T New Jersey, Vol. III, E 32, and N. Y. Col. Docts., Vol. V, p. 819.]

An account of the Inhabitants of the Province of New Jersey, distinguishing their age, sex and colour, taken in the year 1726.[1]

NAMES OF COUNTYS.	WHITES.					NEGROES.					
	Males above 16.	Females above 16.	Males under 16.	Females under 16.	Total of Whites.	Males above 16.	Females above 16.	Males under 16.	Females under 16.	Total of Negroes.	Total of Both.
Middlesex	953	878	1016	859	3706	90	73	73	67	303	4009
Essex	992	1021	983	926	3922	92	78	70	68	308	4230
Monmouth	1234	1061	1095	1056	4446	170	90	88	85	433	4879
Somerset	582	502	403	405	1892	126	96	87	70	379	2271
Bergen	569	509	556	547	2181	173	121	100	98	492	2673
Burlington	1080	983	965	844	3872	86	63	53	55	257	4129
Hunterdon	892	743	851	750	3236	43	45	32	21	141	3377
Glocester	608	462	526	529	2125	32	21	24	27	104	3229
Salem	1060	861	1015	891	3827	52	38	35	25	150	3977
Cape May	209	156	148	141	654	8	5	1	--	14	668
	8179	7176	7558	6948	29861	872	630	563	516	2581	32442

[1] Sent to the Lords of Trade by Gov. Burnet May 9th, 1727. "I now send Your Lordships an account of all the Inhabitants of New Jersey, as they were taken by the Sheriffs of the severall Countys. They are about three quarters of the Inhabitants of New York."—ED.

Governor Burnet to the Lords of Trade—about the application of Interest Money.

[From P. R. O. B. T. New Jersey, Vol. III, E 30.]

Lre from Mr Burnet Govr of New Jersey, to the Board, Rec'd Augt 26 1727

New York 30th June 1727.

My Lords,

I have the honour of Your Lordships letter of the 2d of March on New Jersey affairs in which I observe that Your Lordships expect some Proposals about Mines to be first made by the Undertakers, before His Majesty be applyed to, and therefore I shall first wait for such proposals, before I give Your Lordships any further trouble on this head.

I am unfortunate in not being able to prevail with Your Lordships to recall your Orders to me, not to apply any of the Interest mony to the Use of the Government, because I find the Assembly Men very unwilling to meet at all, or do any business at their own private Cost and Charge, which is the Consequence of this Restriction, for they cannot venture to lay higher Taxes on the People, which would break their Interest with them, when so much money lyes dead in the Loan Office. And tho' I will earnestly endeavour to prevail with them to sink the Interest money when they meet next, I have very little hopes of succeeding in it.

I must beg leave to assure Your Lordships, that it was not possible that the Orders Your Lordships gave me to stop the applying any more Interest money as before could have any Effect to raise the Value of the Money, because it was not at all known till it was communicated by me to a few, and no alteration at all in the value of the money happened about that time.

This I am so sure of, and that the money will not loose anything in its Value, if the Interest, should be again applyed to the Current Service, that I am willing to acknowledge my self, to deserve Your Lordships just displeasure if any such thing should happen, In Case you will please to recall your Restriction. I would not importune Your Lordships upon this head, if there was not an entirely compleat sinking fund without the Interest, if I did not despair of obtaining the necessary Consent of the Assembly to sink it, and if an entire Stop in the Affairs of that Province, and a disgust in the Assembly were not the unavoidable Consequences of this Limitation.

But if Your Lordships think this too much to grant I beg at least that you would give me leave to endeavour to bring the Assembly to apply half of it to the current Service, and the other half to the sinking fund, which tho' I doubt very much of their consenting to, yet if Your Lordships are not disposed to consent to more, I will labour all I can, to obtain. But as I am ready to engage all my Credit with Your Lordships upon the Success of what I first proposed, I hope you will not think I would venture upon such a Proposal without knowing the Opinion of the Country and being sure of a good Event.

I humbly thank Your Lordships for Recommending Mr Cornelius van Horn to be of the Council, and am with great Respect

My Lords Your Lordships

Most obedient and most obliged humble Servant

W. Burnet.

P: S: There is about 14000 pounds already sunk and but 26000 left, which shows how fast the Bills Decrease without the help of the Interest.

From the Lords of Trade to the King—with Commissions of John Montgomerie.

[From N. Y. Col. Docts., Vol.V, p. 824.]

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please Your Majesty.

In obedience to your Majesty's Commands signify'd to Us by the R^t^ Hon^ble^ the Lord Viscount Townshend's letter of the 12 instant We have prepar'd the Draughts of Commissions for John Montgomery Esq: to be our Captain General and Governour in Chief of the Provinces of New York and New Jersey in America in the room of William Burnet Esq: which being in the usual form we herewith humbly lay the same before your Majesty, and are preparing the necessary instructions for the s^d^ M^r^ Montgomery, for both those Governments, with all possible dispatch

Which is most humbly submitted

J. CHETWYND
MARTIN BLADEN
ORLANDO BRIDGEMAN
WALTER CARY

Whitehall Aug: 23, 1727

From Governor Montgomerie to the Lords of Trade.

[From N. Y. Col. Docts., Vol. V, p. 832.]

TO THE RIGHT HON^BLE^ THE LORDS COMMISS^RS^ FOR TRADE AND PLANTATIONS.

The humble petition of John Montgomerie Esq^r^

Sheweth

That His Majesty having been graciously pleased to appoint Your Memorialist His Governor of New York & the territories depending thereon in America, He begs leave to apply to Your Lordships for the confirming the following Bills.

* * * * * * * * *

An Act passed by the Assembly General of New Jersey entituled an Act concerning the Duty of the Commiss^{rs} appointed to manage the Loan Offices in the respective Counties of this Province and for provideing a Remedy in case any of the Signers of Bills of Credits of this Province should by death or otherwise be rendred incapable of signing the same.

And Also one other Act passed by the said Assembly Entituled An Act for an additional Support of this Government and making current £40000 in bills of credit for that & other purposes therein mentioned.

And Y^{r} Memst is humbly of Opinion that the Paper Currency established by the said Act is free from all inconveniencys which has attended that sort of mony in other His Majesty's American Provinces this Currency being only used as a necessary remedy for the Deficiency of Gold and Silver Specie, and thereby to prevent a Stagnation of Commerce and to set his Majesty's Province of New Jersey upon an equal footing with its neighbouring Colonies.

And Y^{r} Memst humbly observes to Your Lord^{ps} that there is in the Loan Office a very considerable sum of money arisen by Interest upon the Bills of Credit over & above the necessary sinking Fund, which will absolutely pay off and discharge the said paper currency.

Which money Y^{r} Memst most humbly begs your Lord^{ps} to permit to be applyed to the publick Services of the Government. For Your Memst hopes Y^{r} Lord^{ps} would not force him upon so ungratefull a proceeding at his first arrival in his Government as to propose a new tax and burthen to the Province to bear the necessary Support of the Government, when there lyes so much useless mony in their coffers already.

Endorsed Rec^{d} Read Sept^{r} 8th 1727[1]

[1] This memorial appears to have been sent in by Mr. Montgomerie before the receipt of his Commission or Instructions, and before he left England for New Jersey.—Ed.

Governor Montgomerie's Instructions.

[From P. R. O. B. T., New Jersey, Vol. XIV, p. 169.]

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

Having in Obedience to your Majesty's Commands Signified to us by a Letter from the Right Hon^ble^ the Lord Vis^ct^ Townshend dated the 12^th^ of August last prepared and transmitted with our Report of this Days Date the Draughts of Coll^o^ Montgomery's Gen^l^ Instructions and of those which particularly relate to the Acts of Trade and Navigation for the Government of New York and having now in further Obedience to Your Majesty's said Commands prepared the Draughts of those relating to the Acts of Trade for the Govern^mt^ of New Jersey We take leave humbly to lay the same before your Majesty with some few Alterations and our Reasons for the same Viz^t^ [1]

We have added the Preamble to the 7^th^ Instruction it having already been approved of by your Majesty in your Majesty's for the Governor of Jamaica.

We have alter'd M^r^ Burnets 16 Instruction in relation to the manner of choosing Assembly Men in the Jersey's and made Col^o^ Montgomery's 13^th^ conformable to the Additional Instruction for this Purpose approved of by his late Majesty in Council the 23^d^ of January 1723-4

The 20^th^ Instruction is a Copy of the Gov^r^ of Jamaica's 20 which We thought necessary to insert here because Acts for creating a Paper Currency have been pass'd in this Province, that have taken Effect before your Majesty's Pleasure could be declared thereupon.

[1] One alteration, not mentioned, is the substitution of the names of James Alexander, James Smith and Cornelius Van Horn, as members of his Council in place of those of Thomas Gordon, Thomas Byerly and David Lyell, who were named in the instructions of Governor Burnet.—ED.

We have inserted some words in Col.° Montgomery's 24.th Instruction whereby he is directed not to give his Assent to any Law for Repealing any other Act pass'd in his Gov.mt altho the same has not received your Majesty's Royal Approbation without Leave for that Purpose: This We think the more necessary because Acts for repealing others have had their Effect before your Majesty's Pleasure could be known thereupon.

The 38 and 39 Instructions in relation to the Disposal of Fines, Forfeitures and Escheats, We have Substituted instead of M.r Burnet's 39.th And have endeavour'd to make them more explicit than the said 39.th Instruction.

We have added the 45.th Instruction for preventing Delays and undue proceedings in the Courts of Justice Your Majesty having already approved thereof in Your Instructions to Major Gen.l Hunter Governor of Jamaica.

We have omitted that Part of M.r Burnets 50 Instruction which related to the Tryal of Accessaries in Cases of Piracy committed beyond Sea it being now particularly provided for by the Act of Parliament pass'd in the 8.th year of his late Majesty's Reign.

We have added the latter Part of the 51 Instruction in relation to the Suspending the Execution of any Sentence upon an Appeal to your Majesty in pursuance of an Order in Council dated the 5.th of July 1726.

We have inserted two Articles N.r 55, & 56 in relation to the Custom House Officers, Your Majesty having already been pleased to approve the same in your Instructions to Major Gen.l Hunters Gov: of Jamaica.

We have alter'd the 81 Article of M.r Burnets Instructions and made Col.° Montgomery's 68.th conformable to an Order in Council dated the 3.d of May last upon a Petition from the Bishop of London for restraining and punishing the several Vices therein mentioned.

We have added the 79th Instruction relating to the manner of granting Commissns in the Plantations to private Ships of War, As also the 80 Instruction whereby Colo Montgomery is directed not to grant Commissions of Marque or Reprizal against any of your Majesty's Allies, without your Majestys especial Command, Both these being Instructions to most of your Majesty's Govrs and in Our humble Opinion proper and to be given to them all.

We have added the Instruction It being already an Instruction 82 to all the Govts in America and equally necessary in New Jersey.

We have omitted Mr Burnets 69th Instruction it being provided for in the Instructions for Trade; In which We have made no other Alteration than to direct Colo Montgomery to transmit the Scheme therein order'd to be sent to the Commissrs of your Majestys Customs to the Lords of the Treasury and to this Board according to the Tenour of the aforesaid 69 Instruction.

We have now laid before your Majesty a State of those Instructions which We have either added or left out in the inclos'd Draught, and have made no other Alterations except with respect to the ranging the several Articles as near as may be in the manner Your Majesty has already approved of in the Instructions to Major Genl Hunter Govr of Jamaica.

All which is humbly Submitted

WESTMORLAND.
T. PELHAM.
O. BRIDGEMAN.
W. CARY.

Whitehall Sepbr 28th 1727

INSTRUCTIONS for Our Trusty and wellbeloved John Montgomery Esqr Our Capt General

and Govr in Chief in and over Our Provinces of Nova Casarea, or New Jersey in America GIVEN at Our Court at
the Day of in the
First Year of Our Reign.

* * * * * * * * *

[It is thought unnecessary to insert the Instructions in full, as they were similar to those given to previous Governors and are elsewhere previously inserted. Only the Instructions said in the foregoing letter, to have been altered are here inserted.]

* * * * * * * * *

7th And whereas by Our Commission You are empowred in Case of the Death or Absence of any of Our Council of the said Province to fill up the Vacancies in Our said Council to the Number of Seven and no more, You are from time to time to send Us as aforesaid and to Our Commissrs for Trade and Plantations the Name or Names and Qualities of any Member or Members by You put into Our said Council, by the first conveniency after your so doing.

* * * * * * * * *

13. Our will and pleasure is any You are accordingly to make the same known in the most publick manner, That the Method of Choosing Representatives for the future shall be as follows Vizt Two by the Inhabitants, Householders of the City or Town of Perth-Amboy in East New Jersey and Two by the Freeholders of each of the five Counties in the said Division of East New Jersey, Two by the Inhabitants Householders of the City or Town of Burlington in West New Jersey and two by the Freeholders of each of the five Counties in the said division of West New Jersey; which persons so to be chosen make up together the Number of 24 Representatives; And it is Our further

Will and Pleasure that no Person shall be capable of being elected a Representative by the Freeholders of either Division as aforesaid or afterwards of Sitting in Gen! Assemblies, who shall not have one Thousand Acres of Land of an Estate of Freehold, in his own Right within the Division for which he shall be chosen or have a personal Estate in Mony Goods or Chattels to the Value of five hundred Pounds Sterling and all Inhabitants of Our said Province being so qualified as aforesaid are hereby declared capable of being Elected accordingly, And it is likewise Our Pleasure that no Freeholder shall be capable of Voting in the Election of such Representatives who shall not have on [e?] hundred Acres of land of an Estate of Freehold in his own Right within the County for which he suall so Vote or a Personal Estate in Mony Goods or Chattels to the Value of 50 Pounds Sterling and all Freeholders in Our said Province being so qualify'd as aforesaid are hereby declared capable of Voting in the Election of Representatives which Number of Representatives shall not be Enlarged or Diminished or the manner of electing them (hereby declared) altered there otherwise than by an Act or Acts of the General Assembly to be confirm'd by the Approbation of Us Our Heirs and Successors, And you are therefore to recommend to the Gen! Assembly that a Law be pass'd there for Electing a Representatives to serve in Assemblys conformable to this Our Instructions.

* * * * * * * * *

20. Whereas Acts have been pass'd in some of Our Plantations in America for Stricking Bills of Credit and Issuing out the same in lieu of Mony, in order to Discharge their publick Debts, and for other purposes, from whence several Inconveniencies have arisen it is therefore Our Will & Pleasure that you do not give your Assent to or pass any Act, in our said Province of New Jersey under your Government whereby Bills

of Credit may be struck or Issued in lieu of Mony without a Clause be inserted in such Act, declaring that the same shall not take Effect untill the said Act shall have been approved and confirm'd by Us Our Heirs and Successors; And it is Our further Will and Pleasure that you do not give your Assent to or Pass any Act in Our said Province of New Jersey under your Government for payment of Mony either to you the Governor or to any Lieu.t Governor or Commander in Chief or to any of the Members of Our Council or to any other Person whatsoever except to Us Our Heirs and Successors without a Clause be likewise inserted in such Act, declaring that the same shall not take Effect until the said Act shall have been approved and confirmed by Us Our Heirs and Successors.

* * * * * * * * *

24 And whereas several Laws have formerly been Enacted for so short a time that Our Assent or Refusal thereof cou'd not be had thereupon before the time for which such Laws were enacted did expire, You shall not for the future give your Assent to any Law that shall be enacted for a less time than two Years, except in the Cases mentioned in the 19.th Article and you shall not re-enact any Law to which Our Assent has once been refused neither shall you give your Assent to any Law for repealing any other Act already pass'd in your Government altho the same has not received Our Royal Approbation, without express leave for that Purpose, first Obtained from Us upon a full Representation by you to be made of the Reason & Necessity for passing such Law.

* * * * * * * * *

38. You shall not remit any Fines or Forfeitures whatsoever, above the Sum of ten Pounds, nor dispose of any Forfeitures whatsoever, until upon Signifying unto Our Commiss.rs of Our Treasury, or Our High Treasurer for the time being and to Our Commiss.rs for

Trade & Plantations the Nature of the Offence, and the Occasion of such Fines and Forfeitures with the particular Sums or Value thereof (which you are to do with all Speed) You shall have received Our Directions therein, But you may in the mean time Suspend the Payment of the said Fines & Forfeitures.

39. It is Our Will and Pleasure that You do not dispose of Forfeitures or Escheats to any Person until the Sheriff or other Proper Officer have made Enquiry by a Jury upon their Oaths into the true Value thereof, and you are to take care that the Produce be duly Paid to Our Receiver Gen[l] of Our said Province and a full Account transmitted to Our Commiss[rs] of Our Treasury or Our High Treasurer for the time being and to Our Commiss[rs] for Trade & Plantations with the names of the Persons to whom Disposed; And *Provided* that in the Grants of all Forfeited & Escheated Lands there be a Clause Obliging the Grantee to Plant and Cultivate three Acres of every fifty Acres within three Years after the passing such Grant in case the same was not so planted and Cultivated before, and that there be the proper Savings and Reservations of Quit Rent to Us Our Heirs & Successors according to the Laws of Our Province.

* * * * * * * * *

45. And whereas frequent Complaints have been made to Us of great Delays and undue proceedings in the Courts of Justice in several of Our Plantations whereby many of Our Subjects have very much suffer'd, and it being of the greatest Importance to Our Service, and to the Welfare of Our Plantations, that Justice be everywhere Speedily and duly Administred, and that all Disorders, Delays and other undue Practices in the Administration thereof be effectually prevented, We do particularly require You to take especial care that in all Courts where you are Authorized to preside, Justice be impartially Administred and

that in all other Courts established within Our said Province, all Judges, & other Persons therein concern'd as likewise perform their several Duties without any delay or Partiallity.

* * * * * * * * *

47. It is Our further Will & Pleasure that no Persons for the future be sent as Prisoners to this Kingdom from New Jersey without Sufficient Proof of their Crimes & that Proof be transmitted along with the said Persons. * * * *

51. And if either party shall not rest Satisfy'd with the Judgment of You or the Commander in Chief for the time being and Council as aforesaid Our Will & Pleasure is, That they may then Appeal unto Us in Our Privy Council; *Provided* the Sum or Value so Appealed for unto Us, do not exceed Two hundred Pounds Sterl: And that such Appeal be made within 14 Days after Sentence, and that good Security be given by the Appellant that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs, & Damages as shall be awarded by Us, in Case the Sentence of you or the Commander in Chief for the time being and Council be affirmed; And it is Our further Will and Pleasure, That in all Cases whereby Your Instructions You are to admit of Appeals to us in Our Privy Council Execution be Suspended until the final Determination of such Appeal unless good and Sufficient Security be given by the Appellee to make ample Restitution of all that the Appellant shall have lost by means of such Judgment or Decree in case upon the Determination of such Appeal such Judgment or Decree should be reversed, and Restitution awarded to the Appellant. * * * * * *

55. And whereas several Complaints have been made by the Surveyor General and the Officers of the Customs in Our Plantations in America that they are frequently Obliged to serve in Juries and Personally to

appear in arms when ever the Militia is drawn out and thereby are much hindred in the Execution of their Employments Our Will and Pleasure is, that You take effectual care and give the necessary Directions that the several Officers of Our Customs, be Excused and Exempted from serving on any Juries, or personally appearing in Arms in the Militia, unless in Cases of Absolute Necessity, or serving any Parochial Offices, which mayhap them in the Execution of their Duties.

56. And whereas the Surveyor Gen^{l} of Our Customs, in the Plantations, are impower'd in case of the vacancy of any of Our Officers of the Customs, by Death removal or otherwise, to appoint other persons to Execute such Offices, until they receive further Directions from Our Commiss^{rs} of Our Treasury or Our High Treasurer or Commiss^{rs} of Our Customs for the time being but in regard the Districts of the said Surveyors General are very Extensive and that they are required at proper times to Visit the Officers in the several Governments under their Inspection, and that it might happen, that some of the Officers of Our Customs in the Province of Nava Cæsarea or New Jersey, may die at the time when the Surveyor Gen^{l} is absent in some Distant part of his District, so that he cannot receive advice of such Officers Death within a reasonable time, and thereby make Provision for carrying on the Service by appointing some other person in the room of such Officer, who may happen to Die, therefore that there may be no Delay given on such Occasion to the Masters of Ships or Merch^{ts} in their Dispatches It is Our further Will and Pleasure in case of such Absence of the Surveyor Gen^{l} or if he shou'd happen to die, and in such Cases only, that upon the Death of any Collector of Our Customs within that Our Province you shall make choice of a Person of known Loyalty, Experience, Diligence, & fidelity to be employd in such Collectors Room the purposes aforesaid, until the Sur-

veyor Gen^{l} of Our Customs shall be advised thereof, and appoint another to succeed in their Places, or that further Directions shall be given therein, by Our Comm^{rs} of Our Treasury, or Our High Treasurer or by the Comm^{rs} of Our Customs for the time being, which shall be first Signified taking care that you do not under any pretence of this Instruction, interfere with the Powers and authorities given by the Comm^{rs} of Our Customs to the said Surveyors Gen^{l} when they are able to put the same in Execution.

* * * * * * * * *

60. And You are also with the Assistance of the Council & Assembly to find out the best means to facilitate & encourage the conversion of Negroes and Indians to the Christian Religion. * * *

79. . . And whereas there have been great Irregularities in the manner of Granting Commissions in the Plantations to private Ships of War, You are to Govern your Self when ever there shall be Occasion according to the Commissions & Instructions Granted in this Kingdom, Copies whereof will be herewith delivered you.

80. . . But You are not to Grant Com'issions of Marque or Reprisals against any Prince or State in Amity with Us to any Person whatsoever without Our especial Command. * * * * * *

82. . . You are to take especial Care that fit Store houses be Settled throughout Our said Province for receiving and keeping of Arms, Ammunition and other Publick Stores, * * * * * *

Letter from ex-Gov. Robert Hunter to Jas. Alexander.

[From Original in Rutherfurd Collection, Vol. I, p. 41.]

Lond: Nov^{r} 4 1727

Sr

I wrote to you Some time ago and have been kept here ever Since by Sev^{ll} Accidents of publick and private nature, In a few days I certainly Imbark, and shall be glad to hear from you to Jamaica.

M^{r} Montgomery Imbarks at the Same time, this comes by him and I have taken care to do you Justice w^{t} him, he is a very honest Gentleman but will want good Advice.

If M^{r} Burnet is to part with the house at Amboy which I Sold him I should be contented to have it again at the price he pay'd unless he has added and Improv'd In that Case you w^{t} D^{r} Johnston may determine.

I Shall want (when arrived) flour and Bacon and Such Like Provisions from New York which I hope you'll take care to Send me. I hope you have gott In the remainder of debts due to me that may pay the purchase Mention'd or answer y^{e} charge of Provisions.

I doubt much whether Your Gov^{r} Can gett in this Winter tho' he he resolv'd to venture I need not ask your Advice and Assistance to him I am Satisfy'd you'll think it your Interest to give them him In the best manner you are Capable I hope your family is well you may always depend on the Friendship of

Your obliged Humble Serv^{t}

Ro: Hunter.

Warrant for new Seals for the Plantations.

[From P. R. O. B. T., Plantations General, Vol. XXXV, p. 53.]

Warrant from the Board to Mr Rollos His Majesty's Seal Cutter to prepare new Seals for His Majesty's Plantations in America Novembr the 17th 1727.

To Mr John Rollos, His Majesty's Seal Cutter

Pursuant to His Majesty's Order in Council of the 20th of September last, directing Us, to cause New Seals to be prepared for His Majesty's Plantations in America, instead of the old ones, for Sealing all publick Instruments in the said Plantations respectively; We do hereby require you accordingly to prepare New Seals of the usual Size, for the Plantations under mentioned as soon as possible; In all which Seals besides the following Rules; You to observe this as a general Direction, that His Majesty's particular Arms and Foreign Titles be inserted as in the Great Seal of this Kingdom, In Order to which you are to use your discretion in contracting the Words,

* * * * * * * * *

New Jersey. The Kings Arms Garter, Supporters Motto and Crown, with this inscription round the Same, Sig: Provincia Nostræ de Nova Cæsaria in America, and in an outward Circle this other inscription Georgius IIs Dei Gratia Magnæ Britaniæ, Franciæ et Hib: Rex, Fid: Defensor, Brunsvici et Luneburgi Dux, Sacri Romani Imperij Archi Thesaurarius et Elector[1]

[1] The new seal was prepared and transmitted, but was lost on its way to the Province, the ship having been cast away. Under date of December 17th, 1731, another one was ordered.—Ed.

Letter from Governor Burnet to the Lords of Trade—enclosing New Jersey Documents.

[From P. R. O. B. T., New Jersey, Vol. III, E 35.]

Lre from Mr Burnet Govr of New Jersey dated at N York Rec'd Janry 29th 1727–8

New York 18th Decr 1727.

My Lords

I now send to Your Lordships an Address from the Province of New Jersey to His Majesty which Mr Le Heup the Agent of that Province, will apply to Your Lordships for leave to present to His Majesty under your Lordships direction.

I have been informed of His Majestie's having appointed Mr Mongomery to succeed me, and of his having been pleased to nominate me to the Governments of the Massachusets Bay and New Hampshire, I have writ to my Correspondent to take out my Commissions for those Governments, and hope to receive them with His Majesties Instructions and Your Lordships directions in the Spring if not sooner.

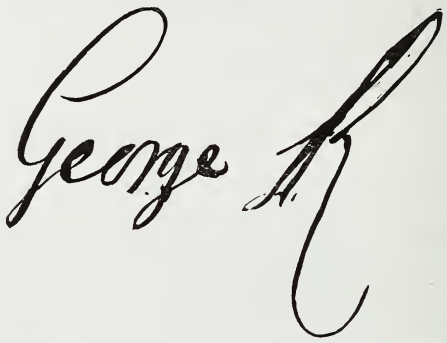
My Successor is not yet arrived, and as the winds have of late proved contrary, we are very uncertain when to expect him, I am

My Lords Your Lordships
Most dutifull and most obedient
humble Servant
W. Burnet.

P: S: I send Copies of my Speech to the Assembly of New Jersey, and their Address to me. Your Lordships will see that I recommend to them the sinking of the Interest money according to your Orders.

Robert Lettice Hooper appointed Chief Justice of New Jersey by George II.

[From the Original in the Library of New Jersey Historical Society.]



TRUSTY AND WELBELOVED We greet you well

Three Stamps each	Two Shillings and Six Pence

Whereas We have taken into Consideration the Integrity and Ability of Our Trusty and Welbeloved Robert Lettice Hooper Esq^{r}, We have thought fit hereby to require and authorize you forthwith to cause Letters Patents to be passed under Our Seal of that Our Province of New Jersey, for constituting and appointing the said Robert Lettice Hooper, Our Chief Justice of and in Our said Province; To have, hold, execute and enjoy the said Office unto him the said Robert Lettice Hooper for and during Our Pleasure, and his Residence within Our said Province, together with all and singular the Rights, Profits, Priviledges, and Emoluments unto the said Place belonging in as full and ample manner as he the said Robert Lettice Hooper, or any other Person hath formerly held, or of right ought to have held and enjoyed the same, with full

Power and Authority to hold the Supreme Courts of Judicature at such Places and Times, as the same may and ought to be held within Our said Province, And you are to cause to be inserted in Our said Letters Patents a Clause for revoking and determining the last Letters Patents, whereby the said Robert Lettice Hooper was constituted Our Chief Justice of Our Province of New Jersey aforesaid. And for so doing this shall be your Warrant. And so We bid you Farewell. Given at Our Court at S^{t} James's The Twenty ninth Day of February 1727–8 In the First Year of Our Reign.

By His Maj^{tys} Command

HOLLES NEWCASTLE.

Letter from David Rycroft, of Barbadoes, to Messrs. John Parker and Andrew Johnston, Merchants of Perth Amboy.—Gov. Montgomerie on his way.

[From Original among the MSS. of W. A. Whitehead.]

Barbados March the 24th 1727–8

Dear Sirs [Extract]

Col. Montgomery, your Governour Saled hence last fryday who I wish may safe arive;[1] I cannot help congratulateing you on his Majesties Early care in apointing a Gent to be your Governour whose greatest pleasure seems to be in doeing Justice to all mankind

[1] Under date of November 4th, 1727, Ex-Governor Hunter wrote to James Alexander from London: "In a few days I shall certainly Imbark and shall be glad to hear from you to Jamaica. Mr. Montgomry Imbarks at the same time, this comes by him and I have taken care to do you Justice w'h him, he is a very honest Gentleman but will want good Advice. * * * * I doubt much whether Your Gov'r Can gett in this Winter tho' he be resolv'd to venture I need not ask your advice and Assistance when I am satlsfyed you'll think it your Intrest to give them him In the best maner you are Capable."—Rutherfurd Collection, Vol. I, No. 41.—ED.

I must further say I think he has been Extremely Handsome to you all for he assurd me himself that he caryed no dependants with him but realy thought whatever Posts of Profitt or Honour there was to be given he did not doubt finding Gents of Merritt enough amongst you who had lived there some time to fill up such Posts. * * * *

I am with great Sincerity
Gent. your affect f^d & most Obedient Servant
DAVID RYCROFT.

To John Parker & Andrew Johnstone Esq^rs Merchants in P. Amboy New Jersey
Via Rode Island

Governor Montgomerie to the Lords of Trade.

[From N. Y. Col. Docts., Vol. V, p. 855.]

New York May 6th 1728

My Lords [Extract.]

I thought it my duty to take the first opportunity of acquainting Your Lordships that after a tedious Voyage, and being five months out of England, I have arrived here on the 15th of last month. I that Day published His Majesties Commission here, and at Perth Amboy in New Jersey the week thereafter. * * *

All I can yet inform Your Lordships of, as to Affairs in New Jersey, is that in December last Governour Burnet met the Assembly there which ended in February; several Laws were past, of which he himself will give You a particular account. As soon as I can have them from the Secretary I shall transmit them to your Lordships Ingross'd under the Seal of the Province. I hope Your Lordships will be so good as to forgive the imperfect and indistinct accounts I have given you; Hereafter I hope to convince your Lord-

ships that my whole business here shall be to do what is for His Majesties service, and for the good of the provinces he has been pleased to intrust to my care. I shall always strive to deserve Your Lordships Approbation, for I am, with great respect, My Lords,

Your Lordships' most obedient
and most humble Servant,

J Montgomerie.[1]

Address of the Grand Jury, etc., of New Jersey to the King.

[From P. R. O. America and West Indies, Vol. VII, p. 241.]

To His most Excellent Majestie George the Second of Great Brittain, France, & Ireland, King Defender of the Faith &c

The humble Address of the Chief Justice, Second Judge, High Sheriff, Grand Jury, Practic'oners of the Law, & the Clerk of the Peace, at a Supream Court, held at Burlington, for the Western Division of the Province of New Jersey, on the Seventh day of May 1728

May it Please Your Majestie,

Amongst the rest of Your most Dutiful & Loyal Subjects, we beg leave with all Humility, to congratu-

[1] John Montgomerie was a Scotchman by birth; reared in the army, but later in life served as governor of the bed-chamber to George 1st before his ascension to the throne. He held also a seat in Parliament, and his consequent association with men of influence led to his being selected to succeed Governor Lurnet as governor

late Your Majestie, upon the hopes of seeing the Publick Peace restored, (through Your wise & unerring conduct.)

As the important consequences of Your Majesties' Negotiac'ons make a daily accession to Your Glory, so they give us an agreeable prospect, of the speedy confining of the Power of Spain within its just Limits.

While the Faithful adherence of Your Allies, & Parliaments, to Your Majestie in this Juncture, give us a very particular Satisfaction; we in this remote part of Your Dominions, beg leave to assure Your Majesty, of our inviolable fidelity; & what we say on this occasion is not only our own, but the unanimous sence of all the people of this Province, who would be thankful for a greater capacity to show that their zeal for Your Service, is not inferior to that of the most approved, & Loyal of their fellow Subjects.

We can't without a rapture of thankfulness, recount our obligations to Your Majestie, for Your Parental care of Your People in this Distant Collonie, Particularly for sending His Excellency John Montgomerie Esq[r] to Represent Your Majestie here, not doubting but that we shall live peaceable, & happy, under his prudent administration.

We shall not Trespass farther upon Your Royal Patience, but shall offer up our fervent prayers to the King of Kings, that he will please to direct Your Majesty by his unerring wisdom, & always encline Your heart to his Glory, & encompass Your Sacred Person with his Favour as with a Shield, & make your Government an universal blessing to all Your Dominions, is the hearty prayers of

of New York and New Jersey, on the transfer of that functionary to Massachusetts Bay. Not being of a contentious disposition, the public affairs were dispatched by him in a peaceful manner. His administration proved to be short. He entered upon his duties in April, 1728, and died on July 1st, 1731, not a little lamented; so favorable an impression had his kind and humane disposition made upon the people —Ed.

(May it Please Your Majestie) Your Majestie's most Dutiful & most Loyal Subjects & Servants

We of the Grand Jury being of the People called Quakers agree to the matter & Substance of this Address but make some exceptions to the Stile.

Tho: Farmar Ch: Justice
Peter Bard Second Judge
Thos. Hunloke High Sh

Grand Jury.
James Trent
Jno Roberts
Thomas Middleton
Wm. Trough
John Schooly
Abraham Marriott
Joseph Pearson
Jerrom Lippincott
John Stokes
Nathan Middleton
Thomas Smith
John Steward
Roger Foort

Grand Jury.
Abraham Crow
Thomas Evens
Edward Barbon
Preserve Brown
Joseph Shreve
Joseph Stokes
William Matlock
Hen. Warrington

Practic'ons of the Law.
James Lippincott
Benj. Price
Pet Evans
Edwd Price
James Gould
Edwd. Peirce

Saml. Bustill Clk:

Letter from Robert Hunter to James Alexander—relative to his Property in New York and New Jersey &c.

[From Original in Rutherfurd Collection, Vol. I, p. 53.]

Jamaica Aug 10 1728

Sir,

I have yours wt 7, 8 barrls flower G N K., and an acct of ye purchase of ye House at Amboy wt which I am much pleas'd and much oblig'd to you. I own that I have had a sort of Impulse or Inclination of Laying my bones In that Country where I hop'd to Live retir'd from all buss'nesse In ye latter part of my Life, neither is it quite Lost as yet But an Offer that comes now In my way, makes me think a Little of

my Childrens case with lesse regard to my Own. It is In short This. One Orgyle a genleman of this Country who has been Some Time in that has a mind to retire thither & Settle there He has here One Estate In partnership w^{t} one Brooks which makes at present 80 hh^{ds} of Sugar a year & Capable of making more w^{t} more Strength. He proposes That, What I have In N York or New Jersey should be valu'd by two p'sons One nam'd by me and y^{e} other by him, and his Estate and Negroes etc: valu'd in the Same manner here and the Balance pay'd or Secur'd to be pay'd to him to whom it is to be due. He has a mortgage upon his partners other half for 1700^{lh} which he would have me also take and It is thought That my doing so may be of advantage to both Now whether this may prove a bargan or not I beg you'll Send me by the first Ship a Schedule particularly mentioning houses Lotts or Land In N. York or N Jersey w^{t} a guesse of your own at y^{e} Value that I may make Some Judgment as to y^{e} Expediency of my Closing w^{t} his Offer.

I was always of Opinion that dismissing Philipse from y^{e} Council would In y^{e} End prove hurtfull to M^{r} Burnet, but he would not believe me and pretended that he had not Intrest enough Left to gett Into any of y^{e} Elections. It is Some Satisfaction that none of My Friends whom I recommended or to whos friendship I recommended him have ever, notwithstanding Some discountenance ever prov'd otherways to him then I promis'd In their Name, He has an honest heart and good head but over hott w^{ch} I was affray'd might Some Time hurt him; Some Letters mentioning the good Conduct of my Friends w^{t} Relation to him Except M^{r} Harrison, may Explain that to me, for Harrison writes as If he had given no Occasion for that Surmise. I am told that M^{r} Montgomery has thrown himself Intirely into y^{e} Arms of M^{r} Philipse and M^{r} Clarke. They are able men but will

neither be very popular If fav'rites, I wish he may find his Acc^{t} In it. Never Mortal In that Station had greater Occasion for Sincere friends and Good advice, He writes to me that he is determined to follow mine (giv'n him at London) but These are words—

I Injoy perfect health here and my Boys are as tall as I am almost, I have Sent Thom to Sea by his own Desire, Indeed Charles had so much The heels of him In all other p'ts of Learning Except y^{e} Mathematical that y^{e} boy was Quite discourag'd, And I must tell you (tho' there is some vanity in't but no partiality) Charles is one of y^{e} most hopefull youths I ever Knew of his years, & a Comfort & pleasure to me Thom is Indeed well Suited for a Camp or Fleet.

I Shall make you no Compliments for your Care & friendship; Only If I can return it to you or the remotest of yours It would be a very particular pleasure To me, For I have ever had as great at Least a pleasure In returning favours as in receiving them I am pleas'd to hear that you are above dependance, & whilst you keep Steady to your principle you'll be so

I am Most Sincerely Yours,

Ro: Hunter.

My hearty Services to all my friends particularly, D^{r} Johnston, M^{r} Morrice & Family I hope they are now one again—

Letter from Governor Montgomerie to the Lords of Trade.

[From N. Y. Col. Docts., Vol. V, p. 858.]

New York August 13th 1728

My Lords [Extracts.]

I send Your Lordships by Captain Smith Commander of the Beaver, the Acts past in the last Assembly

of the province of New Jersey, the Minutes of Council and a letter from Governour Burnet relating to them * * * I hope Governour Burnet's letter will fully satisfy Your Lordships that there is no danger in applying the 5 per cent. Interest of the Jersey Bills, for the support of his Majesties Government of that province: The Certificates he sends are proofs that the Bills are annually and duely sunk and that the Credit and Value of those that remain rises, while this is the case the art of Man will not induce the Assembly to apply the interest any other way, and it will be a dangerous thing to let such a sum remain in the Treasurer's hands

* * My Lords,

Your Lordships most obedient
and most humble Servant

J. MONTGOMERIE.

Rec'd 9 Oct^{r} 1728.

Letter from Governor Burnet to the Lords of Trade—relating to recent acts of the New Jersey Assembly.

[From P. R. O. B. T. New Jersey, Vol. III, E 42.]

Letter from M^{r} Burnet late Governor of New Jersey containing remarks upon 12 publick Acts passed there in 1727-8 and transmitting them and other publick papers Rec^{d} Oct^{r} 9th 1728

New York 3^{d} July 1728

My Lords

I have now received His Majesties Commissions and Instructions for the two Governments of the Massachusetts Bay, and New Hampshire, and am preparing with all possible Dispatch to go to Boston: where I shall be very desirous of receiving Your Lordships

Commands, and shall be very regular in giving Your Lordships full accounts of my Proceedings, from time to time.

I have been releived in this Government by Coll: Montgomerie, who has already acquainted Your Lordships of his Arrival and has referred Your Lordships to me for a particular account of the last Sessions of Assembly in New Jersey, in which 12 publick Acts were passed, and one private one,

1st. An Act for the making of twenty four thousand seven hundred and sixty pounds in Bills of Credit, in order to exchange the Bills of Credit formerly made current in this Province, by an Act passed in the year of our Lord 1723.

This Act makes no Increase of the paper money, but as several counterfeit Bills had been made in Ireland, it was necessary to print them in a new form, as is fully recited in the Preamble: and by this Your Lordships may perceive that £15,240 of the Bills are already sunk, for the last Set were duly sunk in May last according to the Directions of the Act, by which the Bills were issued.

2dly. An Act for shortning of Law Suits, and regulating the Practice of the Law.

There is one Clause in this Act, that Causes under 20.£ are not to be brought into the Supream Court, except where Titles of Land are concerned, which was in a Law formerly repealed, and therefore I would not have passed it, had not the Assembly provided a Salary for the Secretary, at whose Sollicitation only that former Law was repealed, and who now declared that he did not object to the passing the present one.

3dly. An Act for the Limitation of Actions and avoiding Suits in Law.

This is only declaratory of all the Limitation Acts in England being in force in New Jersey.

4thly. An Act for the frequent Meeting and calling of

the General Assembly of the Province, and for the alternate sitting thereof.

I was very unwilling to pass a Clause in this Act, which appoints Triennal Assemblies, but finding that the Assembly were annually chosen by the Concession of the first Proprietors, and by an Act passed under the Proprietors Government; and being assured that My Lord Cornbury had an Instruction to reenact all Laws that might be thought beneficial, It seemed to me that the Province had a sort of Title to this Clause, which however, is submitted to Your Lordships whether you will recommend it for His Majesties Confirmation. I send herewith an Office Copy of the Concession and Act, which induced me to comply with the Assembly and Council in passing this Act.

5^{thly} An Act prescribing the forms of Declaration of fidelity, the Effect of the Abjuration Oath, and Affirmation, instead of the forms heretofore required in such Cases, and for repealing the former Acts in the like Cases made and provided.

This Act is made in Pursuance of the last Act of Parliament for the Ease of the Quakers, and of the Instructions given in their favour to the Governours of New Jersey. The only Addition is, that in the Test, they are allowed by this Act to say, *that which is commonly called the Sacrament, &c*: for they said it was contrary to their Principle to call it a Sacrament

6^{thly} An Act the better to prevent the concealing of Stray Cattle, Horses and Sheep.

7^{thly} An Act for preventing malitious Prosecutions on Indictments and other Suits of the Crown, and rectifying sundry Abuses in the Proceeding thereon.

This is only to clear the Defendants from Costs, in Case they are acquitted, and what gave occasion to it, was the many illegal and vexatious Prosecutions carried on by M^{r} Bass, late Attorney General.

8^{thly} An Act for appropriating a part of the Interest

money paid into the Treasury by virtue of a Law of this Province, to the Incidental Charges of this Government, and for subjecting the Residue to future Appropriations.

Your Lordships will see by my Speech in the Beginning of the Session, that I earnestly recommended it to the Assembly to sink the Interest, according to Your Lordships Directions to me: But I found it to no purpose, and that they would not, nor durst not raise a farthing on the Country while that lay unapplyed. So that since I could not prevail with them to sink it, I saw it must always lye in the Treasurers hands, which was neither safe nor of any Use to sinking the Bills, or be applyed to the Uses of Government, which I hope Your Lordships will approve, when you consider to what a Dilemma I was reduced.

I was indeed in hopes that my Letter of the 30th June 1727, had satisfied Your Lordships, since I had received no fresh Orders on that head, till I found by Governour Montgomery that Your Lordships were still apprehensive that the sinking fund was not compleat without the Interest, and that the Credit of the Bills would suffer by applying it another way, but I have the Satisfaction to send Certificates of the present Value of Jersey money, by which Your Lordships will see that the value of that money still encreases, even after the passing the Act which I am now upon: With my Letter of 19th Decr 1727, upon this Subject I sent Your Lordships authentick Certificates, that the Value of Jersey paper money was then advanced nine pence in the pound and upwards, and by the Certificates I now send, it will appear that it is advanced fifteen pence in the pound and upwards, and as to the Sufficiency of the payments of the Capital to sink the Bills without the Interest, I endeavoured to explain that at large in my Letter of the 19th Decr 1726. and therefore I shall only remind Your Lord-

ships, that, as by the Act 8½ per Cent of the Capital is to be paid in for 10. years, and 7½. of the Capital for the 2. last years of the 12, This will exactly sink the money: And if any deficiency should happen in the private Security's, of which I have not yet heard one Instance, the Counties are responsible for a yearly Tax to make it good, and yet the Representatives of these Counties are so little apprehensive of being called upon for it, that they are unanimous in rejecting this additional Security of the Interest, and impatient to apply it another way. As I did in my Letter of the 30th of June 1727, pawn my Credit to Your Lordships on the Success of this Method of applying the Interest: And since Your Lordships may now see from the Experiment, that the money has advanced in Credit, as I expected, I hope Your Lordships will excuse my giving way to a Measure which I could not avoid and without which, I will venture to say no Supply's are to be obtained from the People of that Province.

9thly An Act for the Amendment of the Law relating to Highways and Bridges, for explaining certain Clauses in several former Acts concerning the Power of the Justices and freeholders therein mentioned, and for directing the Method for raising of money to pay for the Bridge last built over South River.

10thly An Act for lessening the Salaries of the Commissioners appointed to manage the Loan Offices, in the several Counties of this Province.

As the Duty of these Commissioners is much lessened by the Quantity of the Bills being diminished, it was thought reasonable to reduce their Salaries, which is a considerable Saving to the Province.

11thly An Act for Vesting the Right of Election of Representatives to serve in the General Assembly of this Province, in the County of Hunterdon, in the Western Division thereof, and for suspending the Choice of the Town of Salem, until some future Provision made.

This Act was only to establish the Method directed by my last Instruction for electing Representatives in Assembly.

12^{thly} An Act concerning the acknowledging and registering Deeds and Conveyances of land and declaring how the Estate or Right of a feme Covert may be conveyed or extinguished.

The main Substance of this Act had been once passed before, but the Repeal of it obtained by the Secretary, who at this time declared in Council, that in Consideration of the Salary provided for him by the Assembly, he did not object to the passing of this Act, which Declaration of the Secretaries Your Lordships will find in the Minutes of Council of the 8th or 9th of February. Besides I found that the Representation made to Your Lordships, that this Act, and that concerning shortning Law Suits, had been formerly enacted only to punish M^{r} Bass the Secretary, were not well grounded, for that the Country were very uneasy at the Repeal of those Acts, and very pressing to have the Substance of them reenacted: And since I found that the Repeal of those Laws was wholly founded on such a Representation from the Secretary, and that he now declared that he did not object to them, I hope Your Lordships will think I was sufficiently enabled to give my Consent to them.

The private Act was for naturalizing certain Persons therein named.

This is all that I thought worth troubling Your Lordships with, conerning that Session of Assembly in New Jersey, in which Your Lordships will observe by the Minutes of Council and the Votes of the Assembly, that there were more Contests than have ever happened before, and that the Council have moderated and refused several unreasonable things proposed by the Assembly. I herewith enclose the printed Acts and Votes of that Session, and Governour Montgomery

has promised me to enclose this letter in his Pacquet, when he sends the Engrossed Acts and the Minutes of Council, which the Secretary is preparing to deliver to him, I am with great Respect

My Lords Your Lordships
Most dutifull and most obedient
humble Servant
W. BURNET.

Commissioners for Trying Pirates in the Plantations.

[From P. R. O. B. T. Plantations General, No. 35, Ent. Book F, p. 111.]

Representation upon an Order of Council, dated y^e^ 1^st^ Instant, requiring this Board to present y^e^ Names of Persons proper to be inserted in the New Commissions for Trying Pirates in the Plantations.

TO THE KING'S MOST EXCELL^T^ MAJESTY.

May it please your Majesty,

[Novem^br^ the 6^th^ 1728]

In Obedience to Your Majesty's Commands Signify'd to us by your Order in Council, of the 1^st^ Instant, we take leave humbly to lay before Your Majesty, the Names of those Persons which we conceive proper to be inserted in the Commission to be Pass'd the Great Seal, for Trying all Such Pirates as are or shall be taken in any of your Majesty's Plantations in America; As also Our Opinion which of those Plantations may be fitly comprehended within each Commission.

[Commissioners for Jamaica, Barbadoes, Leeward Islands, Bahama Islands, Virginia, Carolina and Maryland were first inserted.]

Commiss^{rs} for New-York, East & West New-Jersey, Pen'sylvania & Connecticut.

John Montgomerie, Esq^{r} Your Majesty's Captain-General & Governor in Chief in & over Your Majesty's Provinces of New York & New Jersey, and the Territories depending thereon in America; or the Governor or Commander in Chief of the said Provinces for the time being.

The Proprietor & Governor of Your Majesty's Province of Pennsylvania, Or the Commander in Chief of Pennsylvania for the time being.

The Governor of Your Majesty's Colony of Connecticut, for the time being.

The Vice-Admiral or Vice-Admirals of the Provinces of New York, East & West New Jersey, Pennsylvania, and of the Colony of Connecticut, for the time being.

Robert Walters, Rip van Dam, John Barberie, George Clarke, Francis Harrison, Cadwalader Colden, James Alexander, Lewis Morris, Jun^{r} Abraham van Horn, William Provoost, Philip Livingston and Archibald Kennedy, Esq^{rs} Members of your Majesty's Council in the Province of New York, during their being of Your Majesty's said Council; And the Members of Your Majesty's Council in the Said Province for the time being.

Lewis Morris, John Anderson, John Hamilton, John Parker, John Wells, John Hugg, John Johnston, Jun^{r} John Reading, Peter Baird, James Alexander, James Smith & Cornelius Van Horn Esq^{rs} Members of Your Majesty's Council in the Province of East & West New Jersey during their being of Your Majesty's said Council; And the Members of Your Majesty's Council in the said Province for the time being.

[Commissioners for Massachusetts Bay, New Hamp-

shire, Rhode Island, Nova Scotia, New Foundland and Bermuda Islands then follow.]

All which is most humbly Submitted.

WESTMORLAND.
P. DOCMINIQUE.
M. BLADEN.
O. BRIDGEMAN.
W. CARY.

Whitehall Nov^{br} y^{e} 6th 1728.

Memorial of James Smith, Secretary of New Jersey, to the Lords of Trade—relative to his fees.

[From P. R. O. B, T. New Jersey, Vol. III, E. 44.]

Mem^{l} of James Smith Secr'y to y^{e} Province of New Jersey in relation to two Acts pass'd there in 1727 whereby he was prejudiced with respect to his Fees &c^{a} rec'd from M^{r} Doeminique Novem 14: 1728.

To the Right Honorable the Lords Commissioners for Trade and Plantations.

The Memorial of James Smith Secretary of the Province of New Jersey Humbly Sheweth

That about the Year 1717: Upon a Memorial then presented to Your Lordships, complaining of Some hardships his Office was at that time laid under, by means of three Acts of Assembly made in the time of Robert Hunter Esq: then Governour, one Intituled an Act for Shortning of Law Suits, and Regulating the practice of the Law, an Act for Recording of deeds in each respective County, and another Act for confirming an Ordinance for Establishing fees, which said three acts his late Majesty was pleased to disallow

about the Year 1721: Upon Your Lordships representation made there on.

Notwithstanding which Disallowance; the late Governour William Burnet Esq: did, in the Year 1727: for the Sum of Six hundred pounds given to him by the Assembly, under the name of Incidental charges, Reenact the Aforesaid Laws, and caused a New Ordinance to be Made in which the fees only of the Secretary are Reduced very near to what they were when first complained of.

Some objections were made in Council about Re enacting the Aforesaid Laws, by reason of part of a 37th Instruction (as by the Minutes of the 3^{d} of January now Transmitted home to Your Lordships, (may more fully appear.) To remove which; the Assembly voted to the Secretary twenty five pounds a year, for so long time as the Said Acts Should remain in force, in consideration of the loss his Office would Sustain thereby, which he is Sure will be more than Sixty pounds a Year.

Your Memorialist did oppose in Council as much as he could the passing of the Said Acts, but found it was to no purpose, and if he did not accept of the said twenty five pounds a year. he would have nothing.

To give Such acceptance the better colour; the late Governour insisted upon and would have an Entry thereof made in the Minutes of Council according to his own direction and obliged him to Sign a Copy thereof, by which may plainly Appear the hardships and necessity he was at that time laid under.

All which Your Memorialist most humbly prays Your Lordships will pleas to take into Your Consideration I am with Greatest Respect

Your Lordships most Obedient Humble Serv^{t}

James Smith.

Letter from the Lords of Trade to Governor Montgomerie.

[From New York Col. Docts., Vol. V, p. 870.]

To Coll: Montgomerie Gov^{r} of New York and New Jersey.

Sir, [Extracts.]

Since our letter to you of the 20th of June, we have received your's of the 30th of May and 13th of August, as also one which you inclosed to us from M^{r} Burnet, dated the 3rd of July last, with the several publick papers therein referred to. * * *

We have considered M^{r} Burnet's reasons for having given his assent to the *Act for appropriating a part of the Interest Money, paid into the Treasury, by virtue of a Law of this Province, to the incidental charges of this Govern^{t} and for subjecting the residue to future appropriations*, and we have read the certificates which he enclosed to shew, that the Paper Bills have risen in value, since the passing of this Act: but we can by no means agree with him, that the interest arising from thence, having been detained in order to answer any deficiency, which might have happened, has given no credit to these Bills, supposing even that this was a fact.

We can't imagine how M^{r} Burnet can justify his having given his assent to any Act for applying the said interest money, without a clause for preventing the said Acts taking place till his Maj^{tys} pleasure could be known thereupon or at least without having consulted us, after having received a letter, wherein, we

so sufficiently explained our thoughts upon this Subject.

We find that by the last Clause of this Act, that the Interest money, as the same shall rise, is made applicable to such uses, as the Gen[l] Council and Assembly shall direct, so that should this Act remain unrepealed till the Act for creating paper money expires, and any deficiency should happen, a Tax must then inevitably be laid upon that County where such deficiency shall happen, to make good the same, but if none should happen, the interest arising from these Bills will then be so much clear gain to the province. We therefore desire you will move the Assembly to pass an Act for repealing this last clause, and if they cant think proper immediately to comply therewith we will lay this Act before His Majesty for his disallowance.

We are the more determined upon this point because the gain which will accrue to the Prov[ce] cannot arise till the Paper Money Act shall expire, and therefore, the interest already paid in by the borrowers having been applyed to different uses, than that to which it was originally designed, has prevented the sinking the same value of paper Bills as that interest would have amounted to.

Upon this head we shall expect to hear from you as soon as possible.

* * * * * * * * *

Your very loving friends and humble Ser[ts]

P Doeminique.
C Bridgeman
W Cary
Tho[s] Frankland.

Whitehall Nov[r] 20[th] 1728.

Letter from James Alexander to Cadwallader Colden —relating to Peter Sonmans.

[From Original Draft in Rutherfurd Collection, Vol. I, p. 77.]

[Nov 25th 1728]

Dear Sir

[Extract]

Att Perthamboy we had hard Struggling agt Sonmans & the information agt him for a cheat in receiving the proprs quit rents without power a Special verdict was found which finds he gave himself out to be receiver produced a proclamation from Lord Cornbury to induce them to believe he was & received from the people their quit rents as receiver & that he offered not upon the tryal any Commission Letter of Attorney or other thing appointing him * * which I think is in effect finding him guilty.

he had also brought severall Ejectments of Considerable moment one whereof was tryed & a verdict found agt him & another he appeared not in but Suffered himself to be nonsuited. So that he I believe is pretty well humbled & I hope will desist for the future Embroiling the prop'rs affairs as he has done now for several years, this matter may be impertinent to write to you but as its what has been most in my thoughts Since I saw you & the consequence Some Satisfaction to me there's some pleasure in Communicating it * * * *

Letter from Sir William Keith to the Secretary of the Lords of Trade—relative to certain manufactures in the Plantations.

From P. R. O. B. T. Plantations General, No. 8, L 103.]

Lre from S^r^ W^m^ Keith in Answer to One writ him the 26^th^ of Nov^r^ 1728, relating to y^e^ Silk, Linnen or Woollen Manufactures in y^e^ Plantations

Nov^r^ 27^th^ 1728

Sir

In answer to yours of the 26^th^ Instant, I Shall at all times be reddy, To Satisfie the Lords Commiss^rs^ for Trade and Plantations, in everything that is within the Compass of my Knowlege and Power; And to the Question Contain'd in your Letter, I Know of no Company or Society of men, that have actually Engaged In any Project for carying on Manufactories either of Silk, Linnen, or Woolen, But I have heard that Some few Experiments have been made both for raising Silk, & Working Hemp up into Sail Cloth, with a view, as I Suppose, to Induce People to Enter into Some Projects of that nature; and as to any Manufactures of Woolen, Their Lordships very well know, That it is already prohibited by act of Parliament, from being either Water born, or Transported by Land from one Colony to another, So that there is no Room to form any Considerable Project of that kind; nor did I ever hear, that Woolen Cloth has been made in any of the Plantations otherways, Than that every Farmer is by Industry led to employ his spare time in working up the wool of the few sheep he is obliged to keep on his Farm, for the Improvement of his Land, for the use

of his Family, and in like maner he often Raises a small Quantity of Flax, which is broke or dress'd commonly in the Winter Season, and Spun up into Course Cloth by the old Women and children, for the same use. I am Sir

Your most humble and most obedient Servant

W KEITH

Mr. Popple

[Another letter was received by the Lords of Trade dated November 29th, 1728, as follows:]

My Lord.

When your Lordship pleases to consider the different Climates, Produce and Trade of the Several Colonies now Settled on the North Continent of America; You will find that none of the Inhabitants to the Southward of Pensylvania (excepting one County called Sommerset upon the Eastern Shore of Maryland) have any Temptation or ability to Manufacture either Wooll or Flax to Advantage, for their People are so entirely Employ'd upon Tobacco & Rice, that they can Scarce afford time to raise Corn enough to Supply their Familys with Bread; But the aforesaid County of Sommerset does at this time make a good deal of Cloth which may proceed partly from the soil, not being so fit for Tobacco, and partley from its being Inhabited by People who have been Educated & brought up to that sort of Business in Ireland, But in Pen'sylvania, New Jersey, New York, Connecticut, Rhode Island, New England, &c: It is otherways, and I conceive the following Reasons may be assign'd why these People have in some measure fallen into a Minute or peddling Manufacture of Wooll and linnen Cloth for the use of their own Families.

1st. Their Principal Product is Stock and Grain, and Consequently their Estates depend wholly upon good

Farming, and this cannot be carried on without a Certain Proportion of Sheep (which in a good Pasture there, Lamb twice a Year, and every Ewe generally brings two and often three Lambs at a time) so that the Wooll would be lost, if they did not imploy their Servants at odd times, & chiefly in the Winter Season to work it up for the use of their own Families.

2d. An Acre of Flax which will produce from 1000 to 1500 wt is easily raised, and coarse Cloth made of it, will do twice the Service of Cloth of the same finess that comes from any part of Europe, which in like manner leads the Industrious Farmer to Employ his Intervals of time in making up small parcels of such coarse Cloth for the use of his Family, and likewise he often raises also a small Quantity of hemp to make bags, plough Traces, and halters for his own use, they being as said before, of a better Quality for lasting than any that can be purchased in the Shops.

3rd. The Old Women and Children, fit for no other Business about a Farmer's House, are made usefull in Carrying on a little Manufacture for the Service of the Family, & by this means also every one is Constantly Employed within or without doors, let the Weather or Season be ever so bad.

4th. Grain being the chief Product by which they are Enabled to purchase Clothing, and other European Goods, Those Settlements which are back in the Woods and far distant from Navigation have not the opportunity of a Market for Grain, which will not bear the Charges of a Great Land Carriage, wherefore they raise no more Corn in such places than what they Consume themselves, by which means they can spare more time to work up so much Wooll and Flax into Cloth as they want for their own use.

These, My Lord, being Facts upon which the true State of this Matter Depends, It will, I apprehend, be impracticable to Restrain the People from a part of

their Industry which is so Essential to their Subsistence, unless some method can be found out to Tempt or lead them Volentarily into another more profitable way of Employing their Spare time, & I cannot think of any thing, that would so Advantageously Contribute to that end, as a Reasonable Encouragement for them To go upon Naval Stores fit for the Service of Great Britain.

Give me leave further to observe to your Lordship, That the Hire of Servants, or the purchase of them with the expence of Maintainance and Clothing &c: is at this time so high in America, That it is Demonstrably impossible for any one private Family to work up either Woollen or Linnen Cloth, But what will cost 50 p^{r} Cent more than that which comes from Europe for Sale, wherefore if they are at present only prevented from Entering into any Society for a Manufacture of that kind, and from Transporting it to other places for Sale (as indeed they are already by Act of Parliament, with respect to Woolens) it will be Sufficient to answer every Reasonable purpose that can be propos'd and if it at the same time they are incouraged to go upon Naval Stores, such a Regulation will go the more easily down.

Letter from Governor Montgomerie to the Lords of Trade.

[From N. Y. Col. Docts., Vol. V, p. 871.]

New York November 30th 1728

My Lords [Extract.]

I had the honour of Your Lordships letter of the 20th of June and I return my most humble thanks for the favorable hopes you are pleased to entertain of my Administration, and the Assurance you give me of Your assistance and protection, which I shall always endeavour to deserve.

My last letter to Your Lordships was of the 13th of August by Captain Smith in the Beaver, with it I also transmitted the Minutes of Council, And Acts passed in the last Assembly that Governour Burnet called in New Jersey: I did not then nor shall I now presume to make any remarks on what was done by my predecessor, but I leg leave with great Submission to suggest, that I think it will contribute very much towards my carrying on successfully His Majesties Service in New Jersey, if the obtaining the Royal Assent to the Triennial and Quaker's Act, be at least delay'd till you know how the Assembly of that Province behaves when I meet them at Burlington on the 10th of next month. * * * *

I am with great respect, My Lords,
Your Lordships most obedient
and most humble Servant,
J. MONTGOMERIE.

I beg pardon for making use of another's hand having sprained my wrist.

Representation by the Lords of Trade to the Lords of the Committee of the Privy Council—relating to certain manufactures in the Plantations.

[Fom P. R. O. B. T., Plantations General. No. 35, Ent. Book F, p. 136.]

To the Right Honorable the Lords of the Committee of His Majesties most Honorable Privy Council.

My Lords,

Pursuant to Your Lordships Order, of the 19th of the last month, directing us to lay before Your Lordships the best Informations we can procure, whether any Projects for promoting the Silk, Linnen or Woollen Manufactures in any of His Majesty's Plantations, have been at any time carry'd on, and to what Degree

of Perfection the same may have been brought: We take leave to acquaint Your Lordships, That we have, upon this Occasion been attended by several Persons who have been Governors of some of His Majesty's Plantations, and upon Discourse with them we find,

That in the Colonies of New England, New York, New Jersey, Connecticut, Rhode Island, Pennsylvania, & in the County of Somerset in Maryland, the People have fallen into the Manufacture of Woollen & Linnen Cloth, for the Use of their own Families, but we cannot learn that they have ever Manufactured any for Sale in any of the Colonies, except in a small Indian Town in Pennsylvania, where some Palatines have of late Years settled.

The Reasons which may be assign'd, why these People have begun this Manufacture, are,

1st That the Product of these Colonies being chiefly Stock & Grain, the Estates of the Inhabitants depend wholly upon Farming; And as this cannot be carry'd on without a certain Quantity of Sheep, their Wooll would be entirely lost, were not their Servants employ'd at leisure time of the year, but chiefly during the Winter, in Manufacturing it for the Use of their Families.

2d Flax & Hemp are likewise easily rais'd, & the Inhabitants manufacture them into a coarse Sort of Cloth, Bags, Plough-Traces, & Halters for their Horses, which they find, do more Service than those they have from any part of Europe.

3d Those Settlements which are distant from Water-Carriage, and are remotely situated in the Woods, have no Opportunities of a Market for Grain; & therefore, as they don't raise more Corn than is sufficient for their own Use, they have more Time to manufacture both Wooll & Flax for the Service of their Families, & seem to be under a greater Necessity of doing it.

Upon a further Enquiry into this Matter, we don't find that these People had the same Temptation to go

on with these Manufactures, during the Time that the Bounty upon Naval Stores subsisted, having then Encouragement to employ their leisure Time in another way, & more profitably both to themselves and this Kingdom; For the Height of Wages, and the great Price of Labour in general in America, makes it impracticable for the People there to Manufacture Linnen Cloth at less than 20-P' Cent more than the Rate in England, or Woollen Cloth at less than 50-P' Cent dearer than that which is Exported from thence for Sale:

But as the small Quantities which they Manufacture for their own Use, are a Diminution of the Exports from this Kingdom; It were to be wish'd that some Expedient might be fallen upon to divert their Thoughts from Undertakings of this Nature; and so much the rather, because these Manufactures in Process of Time may be carry'd on in a greater degree, unless an early Stop be put to their Progress; and the most natural Inducement that we can think of to engage the People of America to desist from these Pursuits, would be to employ them in Naval Stores, wherefore we take leave to renew our repeated Proposals, that a reasonable Encouragement may be given for the Making, Raising & Manufacturing of Naval Stores of all kinds in the Plantations, from whence we may be furnish'd in return for our own Manufactures. and much money might be sav'd in the Balance of our Trade with the Northern Crowns, where these materials are chiefly paid for in Specie.

If your Lordships shall be of the same Opinion, we beg leave to refer our Selves to our Representation of the 20th of March last, wherein we have laid before His Majesty the different Sentiments of all Persons concern'd relating to the Propagation of Naval Stores in America, with our Proposals what Encouragement will be necessary to induce the People in the Planta-

tions to undertake the same; But whenever the Legislature shall be dispos'd to give Premiums for this Purpose, it might be reasonable at the same time to prevent as far as may be, the further Growth of the Woollen & Linnen Manufactures in the Plantations by Act of Parliament.

And notwithstanding Provision is already made by the 19th Section of the 10th & 11th of K. William, Entitled, *An Act to prevent the Exportation of Wooll out of the Kingdoms of Ireland & England into Foreign Parts; & for the Encouragement of the Woollen Manufactures in the Kingdom of England*, That no Wooll, Woollfells or Woollen Goods, &c. of the Growth or Manufacture of any of the British Plantations in America, shall be Exported by Land or Water, out of the respective Plantations where they grew or were manufactur'd; yet we conceive, this Law might be extended further.

And altho' it might not be reasonable to prevent the poor Planters who have not wherewithal to purchase British Manufactures, from Cloathing themselves by their own Labour, yet in our humble Opinion it might be advisable to provide, that Woollen Goods made in the Plantations, should not be expos'd to Sale there.

The like Care in our humble Opinion should be taken to prevent the Growth of the Linnen Manufacture in the American Colonies, because we are inform'd that some Palatines settled in Pennsylvania, as aforemention'd, have lately made small Quantities of Linnen for sale there.

We are, My Lords, Your Lordships most obedient and most humble Servants,

P. Doeminique.
M. Bladen.
O. Bridgeman.
Tho. Frankland.
W. Cary.

Whitehall, Decbr 5th 1728.

Proceedings of the Council of Proprietors of West Jersey—relative to the appointment of a Surveyor General.

[From Original among the Papers of James Alexander in the Rutherfurd Collection.]

[Letter from Thomas Budd to James Alexander.]

Sir: In Pursuance: of the order of the Councill of Proprietors at their Last Meeting Place make Bold to Inform You that ye Said Councill haueing been Informed y^t^ You haue Signifyed A Designe of DeClining y^e^ office of Surueyor Generall in y^e^ western Deuision which put them upon thoughts of Some other person to officate in that office and Come to a Result to appoint M^r^ John Burr: to be our Surueyor Gener^ll^ of the aboues^d^ Diuision not with any Disrespect y^t^ we haue to your Person or any thing that they haue to Lay to Your Charge in not officiating your office as a very Good & faithfull officer & hereby Signifie their Sattisfaction with you y^t^ way hoping y^t^ you will Comply with the following Desire of y^e^ aboues^d^ Councill

BURLINGTON May y^e^ 8^th^ 1828—

AT A COUNCILL OF PROPERITORS: held for the Diuision of the prouince of New Jersey at ye house of George Willis

Present

Col^ll^ Daniel Cox	Thomas Wetherill
Joshua Wright	John Mickle
Thomas Lambart	John Hinckman
Thomas: Budd	John Burr

Ordered that the Clarke write to James Alexander to Desire him to Deliuer up unto John Burr who: is Chosen Surueyor Genr̄ll of Land for ye Properitors in ye western Deuision of new Jersey for this Current Year all the Books of Records of Surueys maps Draughts & papers Relating to Land in ye aboues^d Deuision, and s^d: Burrs Receipt: Shall be Said Alexanders Discharge

A True Coppy: p^r: me: Thomas Budd Clarke

Letter from John Burr to James Alexander.

[From Original among the Papers of James Alexander in the Rutherfurd Collection.]

May the 8th 1728

Kind fr^d

The Trublesom Occation of my Writing at this time is occationod by the Late Proceeding of the Coun̄ll of propritors in Appointing me To be Surur Genll of Land in the Western Deuision of New Jersey; What was Not only foreign To my Thoughts but as Disagreeable To my Mind; without first Knowing Whether or no thee Raelly Declined seruing in that office ffor altho, thy Residing at New York May possablely Render the matter More Diffical for thee To Agitate and not Atogether So Conveniant for the people Yet the Regulation we haue been vnder in Suruaying & Resurueying our Lands since thy Accession To that Office may very well atone for that according To my Thoughts: Nor haue I Any Inclination To Act or Any ways Intermiddel in that affair without thy Consent

Thy Answer will be very Agreeable To my Desier; who with Due Respects Remain thy Rael fr^d To Serve When May. John Burr.

[Addressed] To James Alexander Esq^r at New York. These—

From the Lords of Trade to the King—submitting for his approval an act of the New Jersey Assembly for running the partition line between the Eastern and Western Divisions &c.

[From P. R. O. B. T. New Jersey, Volume XIV, p. 254.]

To the King's most Excellent Majesty

May it please your Majesty

There was An Act pass'd at New Jersey in March 1719 Entituled An Act for running the Line of Partition between the Eastern and Western Divisions & for preventing Disputes concerning the same & for securing to the general Proprietors of the Soil of each Division their Rights & just Claims.

Upon which We Consulted M^r. West One of his late Majesty's Council learn'd in the Law.

This is an Act wherein private Property is concern'd & therefore We thought it would be of Service to let the same lye by for some time, that in Case any Persons should be aggriev'd thereby they might have sufficient Opportunity to lay their Objections before Us: But as We have receiv'd none, And as this Act will be of Advantage to the Inhabitants of New Jersey in general by settling their respective Titles, We humbly lay the same before your Majesty for your Royal Confirmation[1]

Which is most humbly Submitted

P. Doeminique
M. Bladen
Whitehall Dec^r. 5^th. 1728 Orl^o. Bridgeman
W. Cary
Tho: Frankland.
Ex^d

[1] Approved by the Council under date of 22d of May, 1729.—Ed.

Lord Viscount Townshend to the Lords of Trade—with a discourse by Sir William Keith on the State of the Plantations.

[From P. R. O. B. T., Plantations General No. 8, L. 105.]

L^r^ from the Lord Visco^t^ Townshend, referring to the Board a Rep^n^ from S^r^ W^m^ Keith late Deputy Governor of Pennsylvania, with Observations of the State of the Plantations, and Proposals for remedying some Defects in the Government thereof, and a Revenue to be raised there. Reced 31^st^ Decem^r^

Whitehall 12^th^ Dec^r^ 1728.

My Lords

Having laid before the King the Observations on the Colonys in America made by S^r^ William Keith, and put into my hands by him I herewith Send them to your Lo^ps^ by his Maty's Command, that you may take the Same into consideration, and report to his Ma^ty^ what use may be made of these Observations for the benefit of his Ma^tys^ Colonys in America

I am My Lords Y^r^ Ld^ps^ most humble Servant

TOWNSHEND.

R. H. L^ds^ Com^rs^ of Trade.

To the King's most Excell^t^ Majesty.

May it please Your Majesty.

Since the Observations contain'd in the following Discourse were occasionally made in Your Majesty's and Your Royal Father's Service abroad, during the Space of Twelve Years: I most humbly beg Leave to

lay them at Your Royal Feet, as a natural Effect of the purest Loyalty to Your Sacred Person, & the only means which is left in my Power to serve the Publick and to demonstrate that I am

May it please Your Majesty
Your Majesty's Most Humble most Faithful
and most Obedient Subject
WILLIAM KEITH.

A SHORT DISCOURSE on the Present State of the Colonies in America with respect to the Interest of GREAT BRITAIN.

CONTENTS.

[1] Introduction.
[2] On a provincial dependent Government.
[3] On a British Colony in America
[4] On the Advantages arising to Britain from the Trade of the Colonies
[5] On Some Regulations on the Plantation Trade
[6] On the Legislative Power.
[7] On the Civil Jurisdiction
[8] On the Military Strength
[9] On Taxes
[10] On the Independency of the Colonies upon each other.
[11] On the Managem^{t} of the Plantation Affairs in Engl^{d}.
[12] On a Revenue in America
[13] Conclusion.

[1] Introduction.

HAPPY are the People whose Lot it is to be governed by a Prince, who does not wholly depend upon the Representations of others, but makes it a chief part of

his Delight to inspect into the Condition of his Subjects according to their several Ranks & Degrees, who from the Rectitude of his own mind distinguishes the true Merit of his Servants, leaving the Liberties & Properties of his People to be equally guarded and justly defended by a Punctual Execution of the Laws.

The unbounded Extent of Knowledge to be daily acquired by the Judicious Enquiries & Application of such a Prince, will soon abolish the use of Flattery and pernicious Effects of all design'd misrepresentations, The Paths of Virtue and Honour with a Strict Adherence to Truth, will be the only Avenues of Access to the Sovereign's Esteem, and the Royal favors in such a Reign, will be agreeably dispensed in Proportion to the useful Conduct and true Merit of the Party.

So great an Example from the Throne will doubtless inspire every honest Breast with a better Share of Publick Spirit, Men's thoughts will not then be so intent on what they can get for themselves, as on what they can do for their Country; And for Such parts of the Prince's Prerogative and Executive Power as necessarily must be intrusted with Ministers, They will ever be thought an Advantage and Security to a Nation, while the Conduct of the Ministry principally Shines in the Support of Liberty, which cannot fail to gain the Hearts & Affections of a Free people.

[2] On a provincial dependent Governm^{t}

When either by Conquest or Increase of People, forreign Provinces are possessd, and Colonies planted abroad, it is convenient and often Necessary to substitute Little Provincial dependent Governments, whose people by being infranchized &c. made Partakers of the Liberties and Priviledges belonging to the Original Mother State, are justly bound by its Laws, and become Subservient to it's Interests as the true end of their Incorporation.

Every Act of a dependent Provincial Government therefore ought to terminate in the Advantage of the Mother State, unto whom it ows it's Being, and by whom it is protected in all its valuable Priviledges. Hence it follows that all advantageous Projects or Commercial Gains in any Colony, which are truly prejudicial to & inconsistent with the Interest of the Mother State, must be understood to be illegal, and the Practice of them unwarrantable, because they contradict the end for which the Colony had a Being and are incompatible with the Terms on which the People claim both Priviledge & Protection.

[3] On a British Colony in America.

Were these things rightly understood amongst the Inhabitants of the British Colonies in America, there would be less occasion for such instructions and Strict Prohibitions as are daily sent from England to regulate their Conduct in many points, The very nature of the thing would be sufficient to direct their Choice in cultivating such parts of Industry and Commerce only as would bring some advantage to the Interest and Trade of Great Britain. They would soon find by experience that this was the Solid and true Foundation, whereon to build a real Interest in their Mother Country and the certain means to acquire Riches without Envy.

On the other hand where the Government of a Provincial Colony is well regulated and all its business and Commerce truly adapted to the proper End and Design of the first Settlement, Such a Province, like a choice branch Springing from the main root, ought to be carefully nourished and it's just Interests well guarded. No little partial Project or party Gain should be suffered to affect it, but rather it ought to be considered and weighd in the General Ballance of the

whole State as an usefull and profitable Member; for such is the end of all Colonies, and if this use cannot be made of them it would be much better for the State to be without them.

[4] On the Advantages Arising to Great Britain from the Trade of the Colonies.

It has ever been the Maxim of all polite Nations, to regulate their Government to the best Advantage of their Trading Interest; wherefore it may be helpful to take a Short view of the principal benefits arising to Great Britain by the Trade of the Colonies.

1º The Colonies take off and consume above one Sixth part of the Woolen Manufactures exported from Great Britain, which is the chief Staple of England and main Support of the Landed Interest.

2º They take off and consume more than double that value in Linnen and Callicoes, which is either the Product of Britain and Ireland, or partly the profitable Returns made by that Product carryd to forreign Countries.

3º The Luxury of the Colonies, which increases daily consumes great quantities of English manufactured Silks, Haberdashery, Household Furniture and Trinkets of all Sorts, also a considerable Value in East India Goods.

4º A Great Revenue is raised to the Crown of Britain by Returns made in the Produce of the Plantations, especially Tobacco, which at the same time helps England to bring nearer to a Ballance their unprofitable Trade with France.

5º These Colonies promote the Interest and Trade of Britain by a vast Increase of Shipping and Seamen, which enables them to carry great Quantities of Fish to Spain, Leghorn Portugal, &cª Furs, Logwood, Rice to Holland, whereby they help Great Britain con-

siderably in the Ballance of Trade with those Countries.

6ᵒ. If reasonably encouraged, the Colonies are now in a Condition to furnish Britain with as much of the following Commodities as it can demand, vizᵗ

Masting for the Navy and all sorts of Timber, Hemp, Pitch, Tar, Oyl, Rosin, Copper Ore, with Pig & bar Iron, by means whereof the Ballance of Trade to Russia and the Baltick may be very much reduced in favour of Great Britain.

7ᵒ. The profits arising to all these Colonies by Trade is returnd in Bullion, or other useful Effects to Gᵗ Britain, where the Superfl'ous Cash, and other Riches acquired in America must center, which is not one of the least Securities that Britain has to keep the Colonies always in due Subjection.

8ᵒ. The Colonies upon the Main are the Granary of America, and a necessary Support to the Sugar Plantations in the West Indies, which could not Subsist without them.

By this short view of the Trade in General, we may plainly understand, that these Colonies can be very beneficially employ'd, both for Great Britain and themselves, without interfering with any of the Staple Manufactures in England and considering the Bulk and End of their whole Traffick, 'twere pity that any material branch of it should be depressd on Account of private and particular Interests, which in Comparison with these cannot be justly esteemed a National Concern; For if the Trade of the Colonies be regulated to the Advantage of Britain, there is nothing more certain than that the Discouragement of any substantial branch, for the Sake of any Company or Private Interest, would be a Loss to the Nation, but in order to set this point yet in a clearer Light, we will proceed to consider some of the most obvious Regulations on the American Trade, for rend'ring the Colonies truly serviceable to Great Britain.

[5] Regulations in the Plantation Trade.

1º That all the Product in the Colonies for which the Manufacture and Trade of Great Britain has a constant demand, be enumerated among the Goods, which by Law must be first transported to Britain before they can be carry'd to any market abroad.

2º That every valuable Merchandize to be found in the English Colonies, and but rarely any where else, and for which there is a constant Demand in Europe, shall also be enumerated, in order to assist Great Brittain in the Ballance of Trade with other Countries.

3º That all kinds of woolen Manufactures for which the Colonies have a Demand, shall continue to be brought, from Britain only, and Linnens from Great Britain & Ireland.

4º All other kinds of European Commodities to be carryd to the Colonies (Salt excepted) Entry thereof first to be made in Britain, before they can be transported to any of the English Colonies.

5º The Colonies to be absolutely restrain'd in their Several Governments, from laying any manner of Duties on Shipping or Trade from Europe or on European Goods transported from one Colony to another.

6º That the Acts of Parliament relating to the Trade and Government of the Colonies, be revised and collected into one distinct body of Laws, for the Use of the Plantations and such as trade with them.

Supposing these things to be done, it will evidently follow that the more extensive the Trade of the Colonies is, the greater will be the Advantages accruing to Great Britn therefrom, and consequently the Enlargement of the Colonies and the Increase of their People would still be an Addition to the National Strength, All smaller Improvements therefore pretended unto and set up by lesser Societys for private Gain in Great Britain or else where, Although they might have a

just pretence to bring some sort of publick Benefit along with them, yet if they shall appear to be hurtful unto the much greater and more national Concern of these useful and trading Colonies, they ought in Justice to the publick to be neglected in favour of them. It being an unalterable Maxim that a Lesser Publick Good must give place to a greater, and that it is of more moment to maintain a greater than a Lesser Number of Subjects well employed to the Advantage of any State.

[6] On the Legislative Power.

From what has been said on the nature of Colonies and the Restrictions that ought to be laid on their Trade, It is plain that none of the English Plantations in America can with any reason or good sense pretend to claim an absolute Legislative Power within themselves, So that let their several Constitutions be founded on Antient Charters, Royal Patents, Custom by prescription or what other Legal Authority you please, yet still they cannot be possess'd of any rightful Capacity to contradict or evade the true Intent and Force of any Act of Parliament, wherewith the Wisdom of Great Britain may think fit to affect them from time to time, And in discoursing on their Legislative Powers (improperly so calld in a dependent Government) we are to consider them only as so many Corporations at a distance, invested with an ability to make temporary By-Laws for themselves, agreeable to their respective Situations and Climates, but no ways interfering with the Legal Prerogative of the Crown or the True Legislative Power of the mother State.

If the Governours and General Assemblies of the several Colonies would be pleas'd to consider themselves in this Light, one would think it was impossible, they could be so weak to fancy, that they repre-

sented the King, Lords & Commons of Great Britain, within their little Districts, and indeed the useless or rather hurtful & inconsistent Constitution of a Negative Council in all the King's Provincial Governments, has, it is believed, contributed to lead them into this mistake; For so long as the King has reserv'd to himself in his Privy Council the Consideration of, and a negative upon all their Laws, the Method of appointing a few of the Richest & proudest men in a Small Colony, as an Upper House with a Negative on the Proceedings of the King's Lieutenant Governor, and the People's Representatives, seems not only to cramp the natural Liberty of the Subject there, but also the King's just Power and Prerogative. For it often happens that very reasonable and good Bills sometimes proposed for the benefit of the Crown by the wisdom of a good Governour, and at other times offered by the People's Representatives in behalf of their Constituents, have been lost, and the Enacting of such made impracticable, by the obstinacy of a Majority in the Council, only because such things did not square with their private particular Interest and Gain, or with the Views which they form to themselves, by assuming an imaginary Dignity and Rank above all the Rest of the King's Subjects; and as to the Security which it is pretended that either the Crown or a Proprietary may have by Such a negative Council, it is in fact quite otherways; for that Caution would be much better secured if this Council was only a Council of State, to advise with the Governour and be Constant Witnesses of all publick Transactions, and it cannot be thought that an Officer, who is not only under Oaths and bonds, but answerable by Law for his Misdeeds, & removeable at pleasure, would in the face of Witnesses so appointed contradict a rational advice, thereby subjecting himself to grievous penalties and Losses; neither is it to be suppos'd that these

men, if they had only the Priviledge of advising would oppose such good bills or other reasonable propositions as they well knew they had no Legal Power to reject.

But while they find themselves possess'd of a Peremptory Negative, without being in any sort accountable for their opinions, it is easy to imagine how such a power may be us'd on many occasions to serve their private Interest and views in Trade, as well as to indulge the too natural propensity, which Mankind have, especially abroad, to rule over and oppress their poor Neighbours. Besides, an Artful corrupt Governour will find Means by Preferm^{ts} &^{ca} so to influence a Negative Council, that knowing themselves to be under no bonds or any other valuable Penalty to answer the party aggriev'd by their opinions, they may without risque proceed in such a manner as to screen the Governour in many things which otherwise he would be personally and singly bound to account for in a legal and just way.

If then a Council of State, only to advise with the Govern^{r} shall appear in all Emergencies and Cases that can be proposed, to be equally useful, and not attended with the Inconsistencies, Obstructions and Disadvantages of a Negative Council, the one seems to be much preferable to the other and more agreeable to that Liberty and just Equality, which is established by Common Law amongst English Men, and consequently less productive of those Grievances and Complaints, which have been so frequent hitherto from the Plantations.

At first view it will appear natural enough for an Englishman, who has tasted the Sweetness of that Freedom which is enjoyd under the happy Constitution of King, Lords and Commons in Great Britain, to imagine that a third Part should be form'd in the little Governm^{ts} of the Plantations, in imitation of the House of Lords. But if we rightly consider it, that

part of the Constitution is already most properly and fully supplyd by the Lords of His Majesty's Privy Council, besides let us suppose, that instead of a house of Lords in Britain, the like number of Select Commoners were invested with a Power to sit apart and to put a Negative on the Proceedings of the House of Commons consisting of three times the number of persons of equal Rank, and representing all the Commons of Great Britain in Parliament, the Inconsistency and Unreasonableness of the thing does presently obtrude itself upon our minds; And yet such is the very Case of that Negative, which is now practiced by the Councils in America.

[7] On the Civil Jurisdiction.

Next to the Legislative Power, we shall proceed to consider the Civil Jurisdiction in the Plantations, which by their own Acts is branched out into so many different Forms, almost in each Colony, that its' scarce practicable to reduce them under such heads in any one Discourse, as to make it intelligible to those, who are altogether unacquainted with American Affairs.

It is generally acknowledged in the Plantations, that the Subject is entitled by birth unto the Benefit of the Common Law of England; but then as the Common Law has been altered from time to time, & restricted by Statutes, it is still a question in many of the American Courts of Judicature, whether any of the English Statutes, which do not particularly mention the Plantations, can be of Force there, untill they be brought over by some Act of Assembly in that Colony, where they are pleaded; and this creates such Confusion that according to the Art or influence of the Lawyers &c. Attorneys before Judges, who by their Education are but indifferently qualified for that

Service, They sometimes allow the Force of Particular Statutes, and at other times reject the whole, especially if the Bench is inclinable to be partial, which too frequently happens in those new and unsettled Countries; And as Mens Liberties and Properties in any Country Chiefly depend on an impartial & equal Administration of Justice; This is one of the most material Grievances, which the Subjects in America have just Cause to complain of; But while for the Want of Schools and other proper instruction in the Principles of Moral Virtue, their people are not so well qualified, even to serve upon Juries, and much less to act upon a Bench of Judicature, It seems impracticable to provide a Remedy, untill a Sufficient Revenue be found out amongst them to support the Charges of Sending Judges from England, to take their Circuits by Turns in the Several Colonies on the Main which if it be thought worthy of Consideration, will appear neither to be improper nor impracticable, and untill that can be done, all other Attempts to rectify their Courts of Law will be fruitless, and may be Suspended.

Courts of Chancery which are known to be necessary in many Cases to correct the Severity of the Common Law, seem to Subsist there on a most precarious foot, for it does not appear that there is a proper & Legal Authority to hold such a Court in any of the Colonies.

Nevertheless by Custom every where some kind of Chancery is to be found in one Form or other, so that when a rich man designs to contest anything in dispute with his poor Neighbour, if he can contrive to bring him into Chancery, he is sure the matter will rarely or never be brought to issue, which on many occasions proves an intollerable oppression, wherefore it is hoped that so high a Jurisdiction issuing from the Crown, will in due time be put on a more regular & certain Establishment abroad.

[8] On the Military Strength.

A Militia in an Arbitrary and tyran'ical Government may possibly be of Service to the governing Power, but we learn from Experience that in a free Country it is of little Use. The people of the Plantations are, in proportion to the Lands they possess, so few, that Servants being Scarce and Slaves so excessively dear, the Men are generally under a necessity there to work hard themselves, in order to provide the Common Necessaries of Life for their families, so that they cannot Spare a day's time without great Loss to their Interest, wherefore a Militia there would become more burthensome to the poor people than it can be in any part of Europe. But besides it may be questioned how far it would consist with good policy to accustom all the able Men in the Colonies to be well exercised in Arms: It seems at present to be more adviseable to Keep up a small Regular Standing Force in each Province, which might be readily augmented for a time, if Occasion did require, and this in Case of War or Rebellion the whole of the regular Troops upon the Continent might without Loss of time be united or distributed at pleasure, and if, as has been said before, a Suitable Revenue abroad can be raised for the defence and Support of Plantations, it would be no difficult matter both to form and execute a proper Scheme of this nature.

[9] On Taxes.

Land is so plenty and to be had so very cheap in America, that there is no such thing as Tenants to be found in that Country, for every man is a Landlord in fee of what he possesses, and only pays a small Quit or Ground Rent to the Lord of the Soil, and this makes it impracticable to find an Assembly of such Freeholders in any of the Colonies, who will consent to lay any Tax upon Lands. Nor indeed is it to be expected

they should voluntarily agree to raise any Revenue amongst themselves, except, what is absolutely necessary for the erecting and supporting Court Houses, Bridges, Highways and other needfull expences of their civil Government, which is commonly levyed upon Stock, an Excise on Forreign Liquors retaild, or a Small Poll Tax, and the publick there is generally in Debt, because they are extremely Jealous of Attempts upon their Liberties, and apprehensive that if at any time their Publick Treasury was rich, it might prove too great a Temptation for an Artful Governor in Conjunction with their own Representatives, to divide the Spoil and betray them.

[10] On their Independency.

It must be allowd that a Share of personal Interest or Self Love influences in some degree every man's affections, and gives a natural impulse to all our Actions, and tho' this is most perceptible in Trade or Commercial Affairs; yet there is not any other Transaction in Life that passes without it. And as it is with men in this Case, so we find it has ever been with all States or Bodies Politick, so long as they are independent one upon another. The Wisdom of the Crown of Britain therefore, by keeping the Colonies in that Situation, is very much to be applauded, for while they continue so, it is morally impossible that any dangerous Union can be formed amongst them, because their Interests in Trade and all manner of Business being entirely separated by their Independency, every advantage that is lost or neglected by one Colony is immediatly pick'd up by another, and the Emulation that continually subsists between them in all manner of Intercourse & Traffick, is ever productive of Envies, Jealousies and Cares, how to gain upon each other's Conduct in Government or Trade; every one thereby

endeavouring to magnify their Pretensions to the favor of the Crown, by becoming more useful than their Neighbours to the Interest of Great Britain.

[11] On the Management of Plantation Affairs in England.

But to render the Colonies still more considerable to Britain, and the Managem^{t} of their Affairs much more easy to the King and his Ministers at home, it would be convenient to appoint particular Officers in England, only for the Dispatch of business belonging to the plantations. For often Persons that come from America on purpose either to complain or to support their own just rights, are at a Loss how or where to apply; This uncertainty does not only fatigue the Ministers, but frequently terminates in the destruction of the party, by his being referr'd from Office to Office, untill both his mony and patience be quite worn out. Such things in time may cool people's Affections, and give them too mean an opinion of the Justice of their Mother Country, which ought carefully to be prevented; for where there is liberty the Inhabitants will certainly expect Right, and still have an Eye towards obtaining it one way or other.

It may be considered therefore how far it would be Serviceable to put all the Crown's Civil Officers in the Plantations, of what kind soever, under the Direction of the Board of Trade, from whom they might receive their several Deputations or Appointments, and unto whom they ought to be accountable both for their receipts and Management: and if a particular Secretary was appointed for the Plantation Affairs only, or if the First Lord Commissioner of that Board, was permitted to have daily Access to the King, in order to receive His Majesty's Commands in all Business relating to the plantations, the Subject applications would

be reduced into so narrow a Compass, and the Board of Trade would also be so perfectly acquainted with the King's pleasure, that great Dispatch might be given even to those distant matters, without taking up too much of the Ministry's time, and interfereing perhaps with other more important Business; The People of the Colonies would be pleas'd to find themselves thus equally regarded, without giving one any undue preference to another, and all the Rents, Customs and Revenues and other profits in any manner arising from the plantations, would then center in one place, where another proper Member of the same Board might be appointed Treasurer of that Particular Revenue, to answer all such orders as should be issued from time time for the Plantation Service. And as the Revenues from America would in all probability be encreasing daily, it may reasonably be expected that the Expence of paying the Board of Trade and other Officers wholly employ'd in Plantation Affairs, which is now born by the Civil List, would then more properly arise and be discharged out of the American Fund, and the Overplus remaining wou'd in time become a most useful Stock for purchasing of Proprietary Lands, erecting Forts, and extending the present Settlements as far as the Great Lakes, or might be apply'd to such other Uses as his Majesty should think proper for that Service.

[12] Of a Revenue in America.

ALL THAT has been said with respect to the Improvement of the Plantations, will, it is Supposed, signify very little, unless a sufficient Revenue can be rais'd to Support the Needfull Expence. In order to which, it is humbly submitted whether the Duties of Stamps upon Parchments & paper in England, may not with good reason be extended by Act of Parliament to all the American Plantations.

[13] Conclusion.

When we do but cast an Eye upon the vast Tracts of Land and immense riches, which the Spanish Nation have in little more than one Century very oddl'y acquir'd in America, in so much that the Simple Priviledge of trading with them, on very high terms too, is become a Prize worth contending for, amongst the greatest Powers in Europe, we must on due reflection acknowledge that the Preservation and Enlargement of the English Settlements in those parts, is of the last Consequence to the Trade, Interest and Strength of Great Britain. And moreover considering how that the Last Resort of Justice in the plantations, is solely lodged in the King's Sacred Person, with the Advise-m^{t} of his Majesty's Privy Council, exclusive of Westminster Hall or any other Judicature, The Bright'ning of that Jewel in the Crown, may not perhaps be thought unworthy of the present happy Reign, to which the Improvement and future Security of so large a part of the British Dominions, the Advancement of Trade and universally supporting the Glorious Cause of Liberty, seems to be reserved by the peculiar hand of Providence.

Finis.

Letter from James Alexander to Governor William Burnet—about the relative authority of the Plantation Assemblys.

[From Original Draft in Rutherfurd Collection, Vol. I. p. 128.]

May it please Your Excellency.

I had the favour of yours of Decem^{r} 16th which I Delayed answering till now in hopes with my Answer to have Sent you Something that at Leisure hours for

a while past I have been doing viz a Summary & reference to all that has been printed on the Late clamours here, Also a Summary of private transactions & papers concerning them Since you went from hence with Coppies of the papers all which I Doubted not to have had ready to Send you by this time but one thing or other has impeded me that I have not all ready as yet But I could no Longer delay acknowledgeing the favour of yours

I agree with your Excellency that where the reason is the Same the Law is or ought to be the Same, but dont think that there is the Same reason for freedom of debateing & acting in the plantation assemblys as in the parliament at home because in the whole parliament at home the Supreme power is vested, & the Supreme power Let it be where it will cannot be accountable to any one, neither can any of the parts whilst Exercising that part of the power properly belonging to them, but Even there if any one part of it Should take upon it the whole Supreme power by any act or more of it than belongs to it I take it that that part is accountable & answerable for it to the other parts & the other parts have the power of righting themselves Even by force, if reason can't prevail

But our plantation Legislatures are entirely Dependent powers & as all Dependent powers are capable of Committing actions criminal towards their Superiors So for Such actions they must naturally be answerable to, & punishable for by, their Supreriors, for Example if a Dependent power withdraws or Does acts tending to withdraw its Dependence upon its Superior for that act certainly must be accountable & answerable to & punishable for by its Superior And if a whole plantation assembly consisting of Governour Council & representatives of the people be So accountable of Consequence Every of the parts must be so & therefore neither of the parts have a right to debate or act

any thing leading to withdraw their Dependence but if they do they are answerable & punishable for it, But I think the Resolves of the assembly here on the 25th of November 1727[1] & 30th of July Last are of that nature Especially the Last & therefore they are accountable for them.

But it may be Said that granting they are for these accountable to the King yet not to the Governours Council who are only their Equals in the Legislature.

I answer first Supposing they were only their Equals yet I think its highly their Duty to DisCountenance & Disapprove as much as is in their power of any thing Criminal to our Superiors Least by their Silence they might Seem to assent.

But 2dly I conceive the Governour by his Commission with the advice of the Council is vested with a Different power from that of Law makeing viz: of a Council of State as is adjudged in the Case of Dutton in Thomers [?] parl Cases 24 & their Duty it must be chiefly to Examine into & remedy any thing that tends to the alteration & Subversion of the State & I take it

[1] "The Assembly met in September, 1727, and consisted of members all ill-affected to the Governour. The long continuance of the last Assembly, the clamours excited by several late decrees in chancery, the affair of the French church, and especially the prohibiting the Canada trade, were the causes to which the loss of his interest is to be ascribed. Mr. Philipse, the Speaker, was piqued at a decree in chancery against himself, which very much affected his estate; no wonder, then, that the members, who were very much influenced by him, came, on the 25th of November, into the following resolutions * * Resolved, That the creating or exercising, in this colony, a court of equity or chancery (however it may be termed) without consent in general assembly, is unwarrantable, and contrary to the laws of England and a manifest oppression and grievance to the subjects, and of pernicious consequence to their liberties and properties. Resolved, That this house will at their next meeting prepare and pass an act to declare aud adjudge all orders, ordinances, decrees and proceedings of the court, so assumed to be created and exercised as above mentioned, to be illegal, null and void, as by law and right they ought to be. Resolved, That this house, at the same time, will take into consideration whether it be necessary to establish a court of equity or chancery in this colony, in whom the jurisdiction thereof ought to be vested, and how far the powers of it shall be prescribed and limited."—Smith's History of New York, Vol. I, pp. 268, 269. So soon as these resolutions were brought to the notice of Governor Burnet he dissolved the Assembly. The following Spring an ordinance was enacted which had for its object to remedy the abuses of the Court of Chancery and which materially interfered with its usefulness.—Ed.

the power of our Superiors in that case is delegated to the Governour, with the advice of the Council & that the Governour & Council are answerable to our Superiors both for the not Executeing or mis Executeing of that power, & what calling to an account can be pretended here was by the Council as a Council of State not as a part of the Legislature for assembly being Dissolved there was no power of Legislature at that time in being

ffrom this reasoning I think it is or may with a litle pains be made evident that in that particular of doing any thing tending to withdraw a Dependence on our Superiors our assembly here have not the right to a freedom of Debate as for other particulars I think theres no need to Consider them for if in that its Sufficient in this Case.

I am oblidged to your Ex^y^ for your good opinion of me that I could have been of Service to M^r^ Montgomerie in Jersey but I really thought I could be of none & therefore begged & obtained his Leave to be Absent which I am very glad I Did because that assembly is Dissolved without doing any thing for their running headlong upon the matter of a Governour distinct from New York the proclamation for dissolution is printed in our newspaper of yesterday which I suppose you have duely.

The first Effects of malice are generally the Strongest & who Stands them can probably better Stand the rest I believe M^r^ Montgomerie is pretty well Satisfied that the Late Efforts were only malice & that we have resolution & innocence Enough to withstand it & notwithstanding all their Efforts he thought proper before he went to Jersey to renew Coldens Commission & mine which to me Seems a pretty bold Step in him considering who have been chiefly About him. * * *

with the utmost gratitude & regard I remain—

N York Jan^ry^ 27^th^ 1728–9

Letter from Governor Montgomerie to the Lords of Trade—about New Jersey Affairs.

[From P. R. O. B. T. New Jersey, Vol. III, E 52.]

Letter from Col: Montgomery Rec^{d} 16th June 1729.

New York April 20, 1729

My Lords,

My last letter to your Lordships was of Nov'er 30th sent by Captain Downing in the Alexander, of which I enclose a duplicate your Lordships will find in it, as exact an account as I can at present give, of the circumstances of the province of New York; and I beg your Lordships will as soon as possible, honour me with your commands and instructions about the particulars I have mentioned in it.

I beg leave now to inform your Lordships of the affairs of New Jersey. When I arrived there, I found an Assembly in being which had been called by Governour Burnet in Nov'er 1727, and had sat one Session at Perth Amboy, whose Acts and Minutes I transmitted to your Lordships in August last. By the advice of the Council, and to ease the province of the expense of a New Election, I did not dissolve that Assembly, but met them at Burlington on the 12th of December last. They had not been together many days, when I heartily repented my not having called a new one, for I found the Quakers who were more than half of the House, so elated with the Act past in their favours the former Session, that they were quite unadvisable and ungovernable, having their heads full with impracticable Schemes, calculated to weaken if not quite set

aside His Majesties prerogative, and to bring the government to be entirely depending upon themselves. As a Bait to me, they consented to settle the revenue for five years; but in a few days thereafter, without communicating to me what they were going about, made the Resolves which your Lordships will find in the minutes. When I found no application, nor address to His Majesty mentioned in them, I thought the best method I could take, was to advise with the Council what to do upon this occasion, and your Lordships will find by their minutes, that they were unanimously of opinion that the Assembly's way of proceeding was disrespectful to His Majesty and therefore advised me to dissolve them.

In my letter of Nov'er 30th I presumed to advise your Lordships, to delay obtaining His Majesties Assent to the Quakers and Triennial Acts, till you knew how the Assembly behaved. I hope I have convinced your Lordships, that the Quakers do not deserve His Majesties assent to the Act past in their favours. And I beg leave here to assure your Lordships, that I shall always be very far from designing to oppress that set of people, but I refer to all the accounts from New Jersey, ever since the government was surrendered to the Crown; if the Quakers there, have not been very insolent and troublesom when they had no favour to ask, but quiet and useful to the government, when they had anything depending. The Acts allowing their affirmation and declaration, were always formerly limited to five years, but that in 1725 was extended to nine, whereof there are yet five to run, in case the Act past in 1727 be disallowed of, in which the form of their affirmation and declaration, is quite different from that in England, or any other of His Majesties Dominions except pensylvania.

As to the Triennial Act, Elections are a great expense to the province, and former governours have

found it the work of several years, to get an Assembly that had no other views, but carrying on the Soveraigns service, and advancing the real interest of the province. I believe some who preceded me, could not have carried on the publick business so quietly and Successfully as they did, if they had been obliged to call a new Assembly every three years. I beg leave to suggest one thing more to your Lordships, If His Majesty gives his allowance to this Act, The Assembly of New York will certainly expect the same favour, but if it is rejected in New Jersey, I hope it will prevent their insisting upon it here.

While I was writing what is above, I received your Lordship's letter of last Nov'er the 20th the ship that carries this being ready to sail, I shall only now assure your Lordships, that I shall obey your commands, by moving to the next Assembly that meets in New Jersey, to repeal the last clause of the *Act for appropriating a part of the interest money paid &c:* And by the next occasion that goes from this, I shall endeavour to give your Lordships a particular account, of the State and circumstances of that province relating to paper Money. With great submission I leave to your Lordships consideration, what I have proposed as to disallowing the two Acts, and I am with the greatest respect

Your Lordships most humble
and most obedient Servant
J. MONTGOMERIE.

Letter from Cadwallader Colden to James Alexander[1] *—relating to a proposition from the "Society for the Propagation of the Gospel in Foreign Parts," to establish a library for the use of New York and the neighboring colonies.*

[From Rutherfurd Collection, Vol. I, p. 119.]

Coldenham May 20th 1729.

Dear Sir

Since my return I have been able to turn my thoughts but litle to what we talkt of after the Govern[r] show'd us the letter he has from the Society with an offer of a Library for the use of this & the Neighbouring Colonies[2] but that I may in some Measure free myself from the blame which I am affray'd too many of us may deserve of thinking more of our own litle private affairs than of those of any publick concern I shall freely impart what has occurr'd to my thoughts on this subject in hopes that some of them may be of use in forming a good plan.

I cannot suppose that the Assembly can entirely neglect this kind offer whereby the Society has so much distinguished this Colony from others & therefore I hope the Opportunity will be taken to put them in a humour to do something for the advancing of Learning which has been hitherto more neglected in

[1] A peculiarity of this, and other letters of Mr. Colden, is the entire absence of punctuation of any kind, and the utter neglect, except in very few instances, of the useful rule to "cross t's and dot i's." Putting it in type may therefore have led to some errors in orthography.—Ed.

[2] The Society adverted to was the "Society for the Propagation of the Gospel in Foreign Parts." It had received as a legacy from the Rev. Dr. Millington, of Kensington, England, two hundred pounds, and what was said to be a valuable library. Having requested that the books might be sent to America, the Society forwarded them to New York, and they became the nucleus of what was subsequently known as the Corporation Library, traces of which are seldom met with and its history is very obscure.—George H. Moore, Esq.—Ed.

this Province than any where else in the Kings Dominions. The Arguments which seem to me most likely to prevail may be from the following Topics. That by Learning Arts & Sciences are invented & improved whereby the Manufactures & consequently the Trade & Riches of the Country will be increased That Religion Liberty & Learning go hand in hand so that Slavery & Superstition could never be introduced absolutely where Learning flourished That as great things often proceed from a very small engine, This may be the Beginning of a great & famous University which will in time draw many foreigners to it for their Education who must bring Money with them into the Country That not only the Spirits of our own People will thereby be Sharpened & improved but the best Genius's among our Neighbours may be induced to settle among us whereby we shall reap the fruits of those that are most able to serve their Country among them as well as of those among us That we shall retain a considerable Influence over the most Valuable men among our Neighbours by the Friends^ps they will contract here during their Education & the Correspondence that will be kept up afterwards with them If we examine the late French Kings conduct in his care of Learning we shall find that he had these things in his view That if we neglect this offer at this time our Neighbours will in all probability lay hold of the Opportunity & gain all those advantages over us which are now offer'd to us over them if we will but accept of them And that the rest of the World must think us strange Shaped Animals that take no more care of our Children than of our Cattle that is to provide necessaries for their life only in which the brute Beasts at least equal us if not excell us but neglect cultivating the minds of our Children in which chiefly we differ from the Beasts on our Plantations That we ought to be no less concern'd to secure Knowledge to

our latest Posterity than we are to secure fine Cloaths to their Backs & Dainties to their Bellies by the Estates we leave them & indeed if we consider rightly no Contrivance can secure our Estates to our Children without establishing good Morals which is the Principal subject of Sound Learning These & many other Arguments no doubt will Occur to you & the means of applying them according to the different humours of the people that are to be dealt with Perhaps publishing something to this purpose may be useful & tho all our Indeavours should fail there is a pleasure in our having done our parts so far as can be expected from us for the good of our Country.

No Scheme can be proposed without a fund of Money on which the assistance of the Assembly may very reasonably be expected & some Voluntary Contributions likewise The Gov^{t} may also grant some Lands & Ferries which in time may bring in considerable rents & at present give some Reputation & Credit to the Foundation I have something particular in my view that cannot well be applied to any private use of w^{ch} we shall talk at meeting if any thing be like to be done Something may likewise be rais'd from the Library it self in That no books shall be lent out but to such as shall advance yearly 10s to the use of the Library All books to be valued at 125 p'C^{t} on their first Cost the Value to be marked upon the book itself as well as in a Register to be kept in the Library The person borrowing a book shall give his Note to return the book at or before such a day (not exceeding 6 Months) in good order or to pay the Value of the Book Some summary way to recover on these Notes before a Justice of Peace or Trustee afterwards mentioned

It will be necessary to erect a Corporation or Society for these Purposes of w^{ch} some must be Trustees for receiving Donations & Managem^{t} of the Funds to consist of Gent^{n} of the Best Estates & such as are Dis-

tinguished by their Publick Spirit These two Qualifications I am affray'd will not admit of a great number nor can there be any advantage in their number unless we suppose that a greater part of Mankind are wise & honest than otherwise And as some of the Neighbouring Colonies are to partake of the Benefit of the Library it may be useful to take some one or more of each Colony into the number of Trustees This may induce them to encourage our Undertaking by an assistance of Money

It would advance the Progress of Learning if a number of Gent^{n} were added likewise who shall Voluntarly enter into the Society upon our Invitation made them for that purpose who may be as a Council to the Trustees without who's consent they may be restrain'd from acting in matters of Moment & if these Gent^{n} be obliged each to furnish a paper yearly at least on some part of the Liberal Sciences it may create in them & others likewise a Vertuous Emulation to excell in Knowledge & may preserve some usefull Discoveries which otherwise may be lost for w^{ch} reason all these papers ought to be carefully preserv'd in the Library & such as shall be thought proper be published by order of y^{e} Society The Society to have the sole Privilege of printing & selling all papers & books belonging to them by w^{ch} the fund for promoting Learning may be increased as y^{e} desire of knowlege increases.

It will be necessary to confine these last Members to a certain Number who for Distinction may be call'd Fellows for I believe the Chief reason of the London Societie's sinking in its Reputation is their having increased their number so far as to become too common whereby no body esteems it an Honour to be of the Society which in the french Institution is guarded against Suppose the number of Fellows to be 12 of w^{ch} number 5 to reside in y^{s} Province 3 in Pennsylvania 2 in the Jerseys & 2 in Connecticut

The Trustees & fellows to continue during their good Behaviour & residence in their respective Provinces

Good Order will require some Officers as a President Vice President Treasurer Secretary & Library Keeper The President Vice President & Treasurer to be annually chosen on a certain day of y^e^ year by the Trustees & Fellows The President to be one of the Trustees & the Vice President one of the Fellows The Secretary & Library keeper to continue during their good Behaviour & residence in y^e^ City of New York which two last offices may be executed by one person while the funds remain Low for they will require Sallaries

The General Meetings of the Trustees & Fellows to be twice a year on certain times with power to adjourn themselves from time to time as their affairs shall require The Fellows to meet once a Month in order to read the papers communicated to them & to discourse on Matters of Learning

The first Nomination of Trustees & Officers & Invitation to the Fellows to be by y^e^ Gov^r^ The Trustees & all officers to be chosen afterwards when any Vacancy happens by the remaining Trustees & Fellows The Invitation to fellows to be made by y^e^ Vice President when a Vacancy happens among them

The Trustees & Treasurer to be accountable to y^e^ Gov^r^ & Council of y^s^ Province I suppose the Treasurer to be allways accountable to the Trustees

The Gov^r^ & any of y^e^ Council may be present at all Meetings when they please

The Trustees to be enabled to give Sallaries to School Masters & Teachers in the Several parts of Learning when the funds shall become Sufficient for these purposes & to erect buildings for such uses as shall be thought necessary w^h^ y^e^ consent of y^e^ Fellows

There will be several Rules necessary to be made for the good Gov^t^ of y^e^ Society w^ch^ will require time & De-

liberation to frame more than the Legislature can well take from other publick Business & therefore the trustees & Fellows may be empower'd to prepare such Rules & Laws within 3 years after their first Institution as they shall think necessary w^ch^ being approv'd of by y^e^ Gov^r^ & Council of this Province shall bind y^e^ Members of the Society & become fundamental so as not to be alter'd but by y^e^ Legislature of y^e^ Province I know the Intention of this will excuse a great many faults & therefore I shall make no Apology I am yours



[Under date of June 18^th^ 1729 Mr Alexander, in a letter to M^r^ Colden, thus referred to the subject. "I believe at Least I am in hopes the Assembly will make an act concerning the Library offered by the Society agreeable to their Letter & they are upon terms for purchasing what was called the . . . ? . . . Meeting house for to keep the books in & upon Engageing John Peter Zenger to take care of the books I find Delancy the Philipses old & young are fond of it & So is Clarke, I have talkt with Clarke of it & proposed the doing Something more than barely provideing for these books viz makeing Something to the purpose of the Scheme but he is of opinion that now the Societies Letter be only Complyed with & any thing further may be done an-

[1] But few individuals in the Province of New York, occupied a more prominent position throughout a long life than Cadwallader Colden. He was born in 1688, and was bred a physician. His first official position was that of Surveyor General, of the Province, to which he was appointed in 1720. The same year he was recommended for the Council by Governor Hunter along with his friend Alexander, and both were soon after admitted to seats therein. Other important offices were subsequently filled by him among others that of Lieutenant Governor and Governor,and, although meeting sometimes with opponents, accusations and abuse, yet his abilities were of that order as generally to command the support of the people. The Colonial Documents of New York furnish abundant evidence of his usefulness and integrity. He continued to serve the Province efficiently long after he had passed his three score years and ten, and died September 21st, 1776 in his eighty-ninth year.—Ed.

other Session when there may be time to think & of digest well what may be proper, Kennedy and I think of getting Some part of your Scheme printed in the next weeks newspaper."—ED.]

Order of Council, approving the Act of New Jersey Assembly for running the Division Line between East and West Jersey.

[From P. R. O. B. T. New Jersey, Vol. III, E 51.]

At the Court at Kensington
the 22th day of May 1729
PRESENT
THE QUEENS MOST EXCELLENT MAJESTY
Guardian of the Kingdom of Great Britain
and His Majestys Lieutenant within the same

His Royall Higness the Prince of Wales	Earl of Coventry
	Earl of Grantham
Arch Bp of Canterbury	Earl of Godolphin
Lord Chancellor	Earl of Loudoun
Lord Privy Seal	Earl of Findlater
Lord Steward	Earl of Marchmont
Lord Chamberlain	Earl of Ilay
Duke of Somerset	Earl of Uxbridge
Duke of Bolton	Earl of Sussex
Duke of Rutland	Visc^{t} Lonsdale
Duke of Argull	Visc^{t} Cobham
Duke of Montrose	Visc^{t} Falmouth
Duke of Kent	Lord Wilmington
Duke of Ancaster	M^{r} Speaker
Duke of Newcastle	M^{r} Chancell^{r} of y^{e} Exchequ^{r}

Earl of Westmoreland	Master of the Rolls
Earl of Burlington	S^{r} Paul Methuen
Earl of Scarborough	Henry Pelham Esq^{r}

Whereas by Commission under the Great Seal of Great Britain, the Governor Councill and Assembly of His Majestys Colony of New Jersey in America, are authorized and Empowered to make Constitute and ordain Laws Statutes and ordinances, for the Publick Peace, Welfare, and good Government of the said Colony, which Laws Statutes and ordinances, are to be, as near as conveniently may be, agreeable to the Laws and Statutes of this Kingdom, and are to be transmitted to His Majesty for His Royall approbation or Disallowance, And whereas in pursuance of the said Powers, An Act hath been past in the said Colony of New Jersey, in March 1718, which hath been accordingly transmitted—Intituled.

"An Act for running and ascertaining the Line of Partition or Division between the Eastern and Western Divisions of the Province of New Jersey & for preventing Disputes for the future concerning the same, and for Securing to the Generall Proprietors of the Soil of each of the Divisions and Persons claiming under them their Severall and respective possessions, Rights and Just Claims.

Which Act, together with a Representation from the Lords Commissioners for Trade and Plantations, have been referred to the Consideration of a Committee of His Majestys most Honourable Privy Councill: The said Lords of the Committee this day presented the said Act to Her Majesty at this Board with their opinion, that the same is proper to be approved. Her Majesty taking the same into Consideration, was Graciously pleased, with the advice of His Majestys Privy Councill, to Declare Her approbation of the said Act; and pursuant to Her Majestys Royall Pleasure there-

upon Expressed, the said Act is hereby confirmed, finally Enacted, and Ratifyed accordingly: where of the Governor or Commander in Chief of His Majestys said Colony of New Jersey for the time being, and all others whom it may Concern, are to take Notice, and Govern themselves accordingly:

A true copy

TEMPLE STANYAN

Letter from Mr. Lowndes to Sir William Keith—about the Manufacture of Pot and Pearl Ashes in the Plantations, and Sir William's answer.

[From P. R. O. B. T., Plantations General, No. 9, M. 5.]

L^{r} from M^{r} Tho: Lowndes to S^{r} W^{m} Keith relating to the Producing of Pott Ashes & Pearl Ashes in his Maty's Plantations, with Sir William's Answer Rece'd wth M^{r} Tho: Lowndes's L^{r} of the 29th of July 1729.

Sir

Tho' the Memorial to the Lords Comm^{rs} for Trade and Plantations, about Encouraging Pott Ashes from America, is so well attested, As You see, by many of the best Merchants upon the Exchange of London; yet I should reckon my Proposal very deficient, if I did not apply to you for Your Opinion of it

You'll please therefore to let me know, whether in Our Parts of North America (where you have been Governour or Travelled) there is plenty of such Wood, as is mentioned in the Memorial.

And You'll please also to communicate to Me, whether upon any Observation of Your Own, or any

credible Experiment from others, You did ever find or hear that there was any Defect in the Vegitable Salts of Such American Wood, that a proper Lixivium, from whence Pott Ash is immediately made, could not be raised.

To prevent all Objection against the Unskillfullness of Our Planters, in this Usefull Commodity, I shall humbly propose to the Ministry, or the Lords of Trade, that Encouragem^{t} may be given to a Number of Persecuted Protestant Familys of Poland, who are Pott Ash Makers by Trade, and who are perfect Masters of that Mistery, to settle in some proper Place of the Continent of Our North America. I am Sir

Your most Obed^{t} and most humble Servant

25th June 1729 [THOMAS LOWNDES]

[Answer from Sir William Keith.]

June 27th 1729

Sir

In answer to your Letter of the 25th Instant, I have perused the Inclosed Memorial of the London Merchants to the Lords of Trade, concerning Pott Ashes, and I was glad to find the facts therein Represented, so well certified.

There is I do assure you a very great plenty of that Sort of Wood mention'd in the memorial, to be found almost every where in the Colonies upon the Main of America, and as to the Quality of the Wood, or the Quantity of vegetable Salt wherewith it is Impregnated, I have been told by Persons in America, who have made some Experiments that way, That the Wood there is much Richer in Salt than the European Wood, so that it Requires some variation and a greater nicety in the management of the Lixivium from whence the Pott Ash is made.

I most heartily wish you Success in your Proposal, which would be a Public Benefit every way, Because if the people of America, especially in the Farming Colonies to the Northward, were Encouraged to go upon so profitable a Manufacture, in the Winter season when they have most Leisure, it would insensibly draw them off from Employing that part of their time in Working up both Wooling and Linnen Cloth.

I am Sir

Your most obedient humble Servt

W KEITH

Memd Lowndes had Sr W Keith's Leave to communicate this Letter

From the Lords of Trade to Governor Montgomerie—about certain acts passed by the New Jersey Assembly.

[From P. R. O. B. T., New Jersey, Vol. XIV, p. 259.]

Letter to Col: Montgomerie Governor of New York & New Jersey.

To Colo Montgomerie

Sir,

Since our Letter to you in relation to the Affairs of New Jersey dated the 20th of November last, We have received yours of the 30th of the same Month, and of the 20th of April last, with the several Publick Papers which you therein mention to be inclosed.

We have read the Minutes of Assembly of New Jersey to which you refer wherein they desire a Conference with the Council to consider of the most effectual Methods for obtaining a distinct Governor for that Province, And tho' Their manner of Proceeding may have been somewhat indiscret, We are of Opinion that His Majestys Subjects especially when

they are Loyally Met in Assembly should not be discouraged from Applying to the Crown by Address.

We have likewise Consider'd the two Acts mention'd in your said Letter pass'd in February 1727–8 Entituled,

An Act prescribing the Forms of Declaration of Fidelity the Effect of the Abjuration Oath & Affirmation instead of the Forms theretofore requir'd in such Cases and for Repealing the former Acts in the like Cases made & Provided.

An Act, for the frequent Meeting and Calling of the General Assembly of this Province, And for the Alternate Sitting thereof.

As to the 1st of these We see no Reason for repealing it either from the Impropriety of the Diction or from the small variance between the Quakers Affirmation prescrib'd by this Law And that prescrib'd by the Law of England, and therefore purpose to let this Act lye by Probational, & hope the Behaviour of the People, will never induce the Crown to Repeal it.

But as to the other Act for Triennial Assemblies, It is certainly a Restraint upon the Prerogative And We therefore intend to Lay the same before His Majesty for His disallowance.

We expect soon to hear from you that the Assembly have Pass'd An Act for Repealing the last Clause of the Act *for appropriating a Part of the Interest Mony paid into the Treasury by Virtue of a Law of this Province to the Incidental Charges of this Government & for Subjecting the Residue to future Appropriations*, Otherways We shall likewise Lay that Act before His Majesty to be Repealed.

So We bid you heartily Farewell and are

Your very loving Friends and humble Servants

THO: PELHAM
MARTIN BLADEN
WALTER CARY.

Whitehall July 9th 1729

Governor Montgomerie to the Lords of Trade.

[From N. Y. Col. Docts., Vol. V, p. 889.]

New York August 2 1729

My Lords

My last letter to your Lordships was of the 30th of June, sent by Captain Tannalt in the Don Carlos bound for Bristol, of which I now enclose a duplicate, and Copies of the Papers referr'd to in it. I told your Lordships then that the Assembly of New York was sitting, they proceeded from the beginning of the Session to the end of it, with great Calmness and moderation, and were adjourned last month. As soon as I can get the Acts transcribed, I shall send them to your Lordships with the Votes of the Assembly, and Minutes of Council.

What I am now to trouble your Lordships with is in answer to your letter of November 20th 1728. Wherein your Lordships desire me to move the Assembly of New Jersey, to pass an Act for repealing the last Clause of the *Act for appropriating a part of the Interest Money paid into the Treasury by virtue of a Law of this Province, and for subjecting the residue to future appropriations.* Assuring me at the same time that if they do not think proper immediately to comply therewith, your Lordships will lay the Act before His Majesty for his disallowance.

I will obey your Lordships commands in all cases, whatever be the consequence; but by what I am going to say, I flatter myself, that I shall set this Affair in a clearer light, than it has hitherto appeared to Your Lordships.

I am a stranger to the reasons which Governour

Burnet gave your Lordships for giving his Assent to the Act now in question, but by your letter to me, I find that he sent over certificates, to prove that the Paper Bills have risen in value since the passing of the Act appropriating &c notwithstanding this evidence your Lordships say that you can by no means agree with him, that the Interest arising from thence, having been detained in order to answer any deficiency which might have happened, has given no credit to these Bills, with great submission to your Lordships, I am of Governour Burnets opinion and shall as well as I can give the reasons for my being so.

Without that further security of applying the Interest to sinking of the Bills, there is good security of their sinking in the time for which they are (by the 15th page paragraph the 3d of the printed Act) enacted to be current, and much better security, than any of the Bills of Credit of the neighbouring Provinces; and I think absolute security, if by any accident some should remain unsunk at the end of the time, that such deficiency will be immediately made good by other means provided by the Act.

For when all the possible accidents by which deficiencies can arise are considered, it will be found that the Act has provided other sufficient means to make them good, and that those other means must be used to make them good, were even the interest money cancelled as it came in. I beg leave here to enumerate some accidents that may possibly happen.

1st If by any accident of a bad Title, the principal and interest cannot be raised by sale of the Estate, the Act (in page 20) makes sufficient provision for it *by causing the deficiency to be levied forthwith yearly off the County where the deficiency happens;* so that there can be no deficiency that way at the end of the Twelve years.

I beg leave here to observe that this is a further

security than the Bills of any of the neighbouring Colonies, or I believe any in America have: for in case the fund for sinking their Bills don't answer, that deficiency of their funds is left to be supplyed by future provisions, and whether their Assemblies will ever make such provisions, is what the receivers of their Bills cannot be certain of.

2^{dly} If by another Accident any of the Commissionsioners of the Loan Offices should break with any of this money in their hands, not only (by the 7th page of the Act) *their securities are liable to make it good*, but (by the 20th page of the Act) *the County must immediately levy it.* Or if any other accident can be thought of, by which it appears to the Cancellors of the Bills, that less Money is cancelled than ought to be, at the time of the yearly cancelling of the Bills, the abovementioned page 20th provides, that *it be immediately be levied of the County.* So that this security above leaves little room for any further provision by bringing the Interest in aid or by any other way: for that above, is in all probability sufficient to answer most accidents that can happen; And tho the one half of the bills are near sunk already, yet hitherto (by the best information I have had) there is no need of applying that provision, because the security of the borrowers has alone fully answered; and as it has answered so long, it is still growing better and better every year, by paying off part of the principal Debt, and the same thing standing security for the remainder, for which it must necessarily be a better security than it was for the sum borrowed. To be certain of the truth of this, that the security of the Borrowers has hitherto alone answered, I have ordered the Commissioners of the Loan Offices to transmit to the Treasurers for me, copies of the minutes of their proceedings, or certificates concerning that fact.

3^{dly} There are no other accidents such as mistakes,

or frauds of the Cancellors, in counting the sums yearly cancelled, and certifieing them to be greater than they really were, and by cancelling counterfeits in place of true Bills; by which accidents, some Bills might at last remain without a fund for sinking them; were there no provision in that case. But all the Bills of the neighbouring Provinces, are liable to those accidents, as much as New Jersey, and that without the least provision or check against them, other than that of an Oath; which check is not only here, but also another which none of the other Provinces have, and that is (in page 19th paragraph 2d) *that the Tops and bottoms of the Bills cancelled shall be bundled up, sealed and delivered yearly to the Treasurers to keep &c.* By which if any deficiency has happened by miscounting or counterfeits, it may easily be discovered; which is not only a Spur to the Cancellors to be careful of avoiding any accidents but will also make a discovery of such accidents, and of consequence render either the Commissioners or the Counties in which they have happened, liable to make good the deficiencies.

I think it not improper to mention here, that when some persons brought lately over from Ireland, counterfeits of the Bills of several Colonies, New Jersey at the first meeting of their Assembly thereafter, in the winter before last, made an Act by which all their Bills were new struck, in a different and more convenient form than formerly, whereby the passing the Counterfeits of their former Bills was effectually prevented. This ready provision (by the best information I can have) is more than any of their neighbouring Provinces have hitherto made, tho their bills were counterfeited at the same time, and plain discoveries made that they were so. This with the great care of the Legislature of New Jersey, in providing against frauds and Accidents in making and exchanging the Bills, as by the

Act for that purpose is very evident. Together with their exceeding care (even to superogation) of the frauds on which their Bills were first struck, as by the Act itself plainly appears, and their going yet farther (in page 23^{d} paragraph 2^{d}) *of not only paying off their former Bills, but also Interest at Eight p' cent p'annum from the time their currency had ceased*, tho' the Assembly had voted the Treasurer in Debt, near as much money as should have sunk those Bills, but for that they took their course at Common Law, and sunk them themselves. I say this carefull and honourable proceeding of the Legislature of New Jersey about their Bills hitherto, added to the undoubted security for the Bills that were to pass hereafter, has given them so good a character, that as *their is no need of the interest money to make them effectually sink, so the detaining it, has not added nor cannot add anything to the security or credit of them.* I have said that *there is no need of the aid of the interest money to sink the bills*, in the time for which they are to be current by the Act, because all the accidents which I can think of that can possibly happen, whereby deficiencies may arise, are those I have enumerated, Videlicet, by bad Titles, by the breaking of the Commissioners, by mistakes or frauds in counting of the bills cancelled, and by cancelling counterfeits in place of true Bills; and for all the deficiencies by those accidents, other means are prescribed for supplying them; so that I think *a case can scarcely be put to shew with any great probability, that there can be any need, or use for any aid of the Interest money, to sink the bills in the time prescribed for sinking them.*

What your Lordships most particularly insist upon is, that (by the first paragraph of the Act page 25) *the interest money is expressly applyed to the sinking of the Bills, and it is directed to be sunk in presence of the Governour Council and General Assembly*, as to

which, If this had been complyed with hitherto, and should be complyed with hereafter, then all the bills would have been sunk in Ten years, and there would have been 925 pounds over and above the sinking all of them; But (by the 3^{d} paragraph of the 15th page) its expressly enacted, *that the Bills should be current and received for twelve years, and in the Treasury for six months after*, which would be impossible if all should sink in Ten years, so that these two parts of the Act are so repugnant, and impossible both to be comply'd with, should that part be comply'd with which sinks the bills in Ten years, I am affraid the people would say that they were deceived, and debarred of their expectations of having bills of their own to make tenders of for twelve years, as well as their neighbouring Provinces whose bills are to be long current, and the Borrowers would be put to the utmost difficulties, to pay in their two last years Quotas.

For their own bills would then be sunk, there's no probability of more silver and gold in the province at that time, than when the act was made: and the bills of the neighbouring provinces (which would then be most if not all their currency) might be refused in payment, the only remedy then left to them would be their paying in Wheat, which they are allowed to do by a clause in the Act, at five pence a Bushell less than the Market price at New York or Philadelphia, which are the two principal Markets for the produce of New Jersey, even this way they will be loosers of at least ten p^{r} cent. So these and other debtors would probably be brought to extremeties, no less than those the people were in at the making of the Act. And to reduce a Province to these circumstances may have very bad consequences. By the best information I can get, (and I assure your Lordships I have endeavoured to have it from all quarters) the security by sinking the Interest

money, was (as the Assembly insists) a supererogation, insisted on by Governour Burnet, he being of opinion that it would better establish the credit of the Bills, and comply'd with by the Assembly rather than they should lose the Act. Which, when he demanded a support in the year 1725, they in their turn obliged him to break thorough, or not be supported at all; and served him in the same manner by the Act now in question.

But further, that clause in the 25th page put in by Governour Burnet against the good liking of the Assembly and on which Your Lordships insist, is conceived in such words, that it's impossible to be comply'd with or put in execution without the presence and consent of the Assembly, which form was probably obtained by them, on purpose to render the clause ineffectual: for they have ever since the making the Act, denied their presence for that purpose, and insisted upon the application of the Interest money otherwise: wherefore, if it had not been, nor shall not be hereafter otherwise applyed, It must for want of their purpose and consent have lyen and lye dead and useless in the Treasurer's hands, exposing them to Housebreakers to get it away of which sort of people there's many in these provinces occasioned by the Transportation of Felons from Great Britain to the Plantations: of late they have committed numerous Burglaries, which is the occasion of so many expedients, as may be seen in the late Act for exchanging the money of New Jersey, for preventing any damage that might arise by housebreaking to the Treasurers of the Province; of which David Lyell one of the Commissioners of the County of Monmouth had felt the bad effects, to his considerable loss of the money of that County, without being ever able to discover the Felons who did it, tho the utmost care was taken to find them out.

In your Lordship's letter it is further observed, *that should the Act in question remain unrepeal'd till the*

Act for raising paper money expires, and any deficiency should happen, a Tax must then inevitably be laid on that County, where the deficiency happens to make good the same. It's very true, But no more true of that last year than of any of the proceeding years. For if any deficiency happens in any of the years of sinking so much as at that time ought to be sunk, *a Tax must inevitably and immediately be laid for it* (by the 20th page of the Act) that is the first method prescribed for making good deficiencies, so that there's no room, neither is there any method prescribed by the Act, for making them good out of the interest money. And if even the interest money had been, and were to be cancelled (according to the 25th page of the Act) yet a Tax must be laid by the Tenor of the Act, not only the last, but all the years in which any deficiency happens, to make up so that *the cancelling or not cancelling of the Interest money, the applying or not applying it to other uses, does no way affect or cause the laying or not laying such Tax.*

Your Lordships also observe that If the interest money be not apply'd before the Act which creates the paper money expires it will then be so much clear gain to the Province. It certainly will be so if the Treasurers be not robbed of it before that time, or some other time, or some other accident happens not to it. And which clear gain, with the addition of about 2000 pounds, saved by lessening the Commissioners Salaries to one half, by an Act passed in the year 1727, would in all amount to above 7000 pounds, And (by the tenor of the Act in the 2d paragraph of the 25th page) *is to be applyed to the support of the Government as the Governour, Council and General Assembly shall direct.* By means whereof the province would be freed from any Taxes for support of Government while that lasted which would be for a considerable number of years, seing 970 pounds pays the ordinary yearly expences

of the Government. This indeed would be great ease to those who shall inhabit the province from the year 1736 to the year 1743, but being so long disused to the payment of Taxes, they might be loath afterwards to come again into the use of it. And the not applying the Interest money as it is wanted, they think to be laying up money for supporting the Government from seven to fourteen years hence; when the same money more wanted to support it at present, than probably it can be then. And that it is a doubly taxing themselves now, to save some of them, and more of other people, from seven to fourteen years hence from any taxes at all; who must then be reasonably supposed, better able to bear a tax than the inhabitants now can, because the province yearly encreases vastly in people and improvements, so in consequence in ability to bear a tax. And they think it more just and reasonable that they should then pay for supporting the Government, than that the less able people should be obliged to support it now, and then to.

Your Lordships mention the laying a tax for deficiencies on the counties where they happen as a hardship. As to that there's little room now to suspect that it will be any great hardship, seeing the securities have hitherto proved so good and are still growing better, but should it prove a hardship, yet it will be no surprize upon the people, for it was a thing deliberately agreed to by the generality of them. The Assembly while the act was under their consideration, having been adjourned a fortnight, in order that the representatives might consult their constituents upon that point, and upon the 1000 pounds a year Land Tax, and the Assembly did not assent to that security till after that consultation, and the General Agreement of the people. By sundry clauses in the Act, the counties have in consideration of these taxes what was deemed an Equivalent: Such as

the approving the Securities of the Commissioners, the chusing of new ones, several Penalties and Forfeitures, and assignments of Securities &c. and whatever hardship, the taxes may be, if ever there is occasion for exacting them, I assure Your Lordships that the people will look upon the detaining the interest money unapplyed, as a much greater hardship.

From what I have said I hope it will appear to your Lordships.

1st. That because all accidents by which deficiencies can arise, are sufficiently provided for otherwise by the Act, the detaining the Interest money in order to answer any deficiency, has given no credit, nor can it hereafter add anything to the credit and security of the bills for more than absolute security can not be desired, and that they have without the aid of the Interest money.

2dly That the clause which enacts the sinking of the Interest Money is repugnant to another clause, which enacts the bills to be current for twelve years and both cannot be complyed with: and should that be comply'd with which enacts the sinking of the interest money, the people will be apt to think that they are deceived, and reduced to great difficulties and extremeties without any necessity for it.

3dly That the clause which enacts the sinking the Interest Money, is conceived in such words that it cannot be put in execution without the presence of the Assembly at the sinking them, which they deny, and I believe will persist in it, therefore if the Interest Money is not otherwise apply'd, it must remain useless in the Treasurers hands till the Act expires, exposing them to Robbery, and the province to the danger of losing that money.

4thly That the applying or not applying the Interest money to other Uses, does no way affect or cause the laying or not laying, of a Tax for deficiencies: for

were the interest money all cancelled, as the sinking clause directs, there would still be no less nor more Taxes for deficiencies, by the tenor of the Act.

5thly That the not applying the Interest money till the Act which creates the paper money expires, to make a clear gain then to the Province will be of no service, but rather of ill consequence to the Government, and will be greatly prejudicial to the people from whom that interest money arises.

6thly That there is little room to suspect any hardships to the people for taxes for deficiencies, but should such taxes be frequent, it would be no surprize upon them, they having been consulted on that point, and generally agreed to it before it was enacted, and whatever hardships the tax may be, they will look upon detaining the interest money as a greater hardship.

Upon the whole, I do humbly conceive, that unless some Accidents can be imagined, that may create deficiencies, which are not sufficiently provided for by the Act, there is no reason for detaining the interest money without application, but at the same time I beg leave to suggest, that if any such accidents can with probability be imagined, then such a part of the Interest money, as is fully adequate to the supplying the deficiency that may arise by such Accidents, ought to be preserved for that purpose; and I assure your Lordships that if you allow me (as I hope you will) to dispose of the Interest money for the incidental charges of the Government, I shall always take care, that so much of it be reserved in the Treasurer's hands, as will answer any deficiencies not provided for by the Act.

I shall conclude with what I have to say on this subject by humbly representing to your Lordships, that if you insist on the Instruction to me of sinking the Interest money, or detaining it in the Treasurer's hands, till the paper credit ends, the Government of

New Jersey will in all probability remain unsupported, from September 1730 when the present revenue will expire, to September 1736. And with great deference I leave it to your Lordships serious consideration if this is not risquing too much.

I beg pardon for troubling your Lordships with so long a letter, but since the supporting of His Majesty's Government, and the peace and quiet of the Province of New Jersey, depends upon the things I have represented, I hope your Lordships will excuse me, I assure you I have stated every thing fairly and impartially, without any regard to my own Interest, If I have not done it so distinctly as your Lordships might expect. I hope you will not impute it to any willful error, or to my negligence, but to the short experience I have had of affairs of this kind, to which, till His Majesty honoured me with the Government here, I very little applyed myself.

I shall with great impatience wait for your Lordships answer, and must delay meeting the Assembly of New Jersey, till I have it. I wish this delay may not have bad consequences, but as I told you in the beginning of my letter, whatever your Lordships commands are they shall be punctually obeyed by me, who am with the greatest respect,

My Lords Your Lordships most obedient
and most humble servant
J. MONTGOMERIE.

To the Lords Commissioners for Trade &c.

Letter from James Alexander to Ex-Governor Hunter —referring to the death of Ex-Governor Burnet and New Jersey Affairs.

[From Original Draft in Rutherfurd Collection, Vol. I, p. 133.]

[Endorsed] Letter to Major Gen[ll] Hunter Sent by Capt. Payton Feb[ry] 3[d] 1729–30 [from New York]

May it please your Excellency

[Extracts.]

* * * * The death of M[r] Burnet gave me the greatest grief & concern of any thing I have met with, the world Loses therby one of the best of men, & I in particular a most Sincere friend & one to whom I Lay under the greatest of Obligations he was a man who bating warmth was almost without a fault & that by degrees he became nearer & nearer Master of & in time had he lived would probably have been entirely So, His Son by his first wife (a Lively youth Gilbert about fifteen) went hence to his relations from Boston, & his Son & daughter by his Last wife (the one about Seven & the other Six years of age) M[r] Vanhorne brought hither & is to keep them here, his Eldest Son was well provided for at home by his Grand fathers But the two younger children I am afraid are but indifferently, the chief of what M[r] Burnet Left being Some Lands in this province which possibly may grow to Some value before they come of age.

* * * * * * * * *

I had leave from his Excellency to be Absent from the Last Assembly in New Jersey in obtaining which I Esteemed my Self happy by being out of the Squable,

As to the Secret Springs thereof which you desire to know As far as I can guess I shall give you them on the other half sheet.[1]

John Kinsey Son of John Kinsey formerly Speaker of the Assembly there has become Assemblyman for Midlesex County in his father's place for Several Assemblys past & So was of that Assembly, Mr Kinsey is a man of good natural parts & Sense & practices the Law with Success & Reputation, but he seems to have an Extream desire after popularity applause & to be Esteemed a patriot, this desire with his own abilities which must naturally raise an Emulation . . [?] . . with people who seem by nature to Love to oppose every thing that a Governour or his friends propose gave him in the Latter End of Mr Burnet's time a great ascendant in the assembly which was Still more Encreased by Sundry popular acts which he proposed & got past in Mr Burnet's Last assembly Such as the quaker affirmation act to be perpetual, assemblys to be biennial, & Several others as popular, he also then put the assembly upon addressing the King for a Separate Governour for New Jersey, but Mr Burnet upon hearing of it immediately adjourned the Assembly & desired freely to Speak with them at his house, when he told them it would be dishonourable in him to permitt Such an address at that time when he Every day Expected a Successor, & if they would not promise to drop that matter he would not suffer them to meet again but must dissolve them, & they haveing So many other things of Consequence that they were unwilling to Lose they agreed to drop their addressing at that time, but the notion of a Separate Governour & the great advantages it would be of to the province Soon Spread and became the talk of Every body So

[1] In the copy from which the above was taken, his account immediately follows as here printed.—Ed.

that it was not doubted but that the assembly would go upon it at their first meeting again & that without it nothing was to be Expected, & when the Assembly was mett the Current was So Strong this way that the only question Seemed to be whether it Should be done in Concert before hand with the Governour or not. Doctor Johnston & his friends who were near the half of the house were for concerting the measures with the Governour & obtaining his Interest in favour of the thing & for offering a handsome Consideration to his Exc^{y} for it but the rest of the Assembly headed by M^{r} Kinsey & Peter Sonmans were for no Concerting nor Consideration other than the Addition of a three years support to the two years Support then Established, and they being a Majority would have carried it in that manner had they Sat.

But his Excellency Conceiving that the proceeding in that manner was first Disrespectful & in the Second place Should their Address have its Effect he had Litle prospect of a further Support, but that the people would worship the riseing Sun & Slight him He therefore thought proper to Dissolve them

This is the best account I can give your Excellency of what's past & the Dissolution has no way abated the inclination of the people for a Separate Governor but much Encreased it, which possibly (& I hope it for his Ex^{ys} Sake) may take the turn to induce them to pay handsomely for Leave to proceed to obtain what theyre so fond of & to purchase his interest for it. The Country is well able to do it being very much increased in improvements wealth & number of inhabitants Since you Left this place & that's what in part has * * * * them into this inclination to be a people by themselves, if his Excellency be guarded with Suffi^{t} temper & patience (which I doubt not he will be) I am apt to believe all will come to this good issue, Notwithstanding Kinseys party is Likely to be more

numerous in the next assembly than they were in the Last, & the rather if his Excellency before he meets them has directions from home concerning the matter which he Expects * * * *

Additional Instruction to the Governors of the Plantations—to support the Bishop of London and his Commissaries.

[From P. R. O. B. T. Plantations General, No. 35, Ent. Book F, 165.]

To the King's Most Excell^t Majesty.

May it please Your Majesty,

In Obedience to Your Majesty's Commands Signify'd to Us by his Grace y^e^ Duke of Newcastle's Letter of the 21^st^ of the last Month, we have prepar'd the inclos'd Draughts of Instructions to all Your Majesty's Governors in America, (except as undermention'd) directing them to support the Bishop of London & his Commissaries in the Exercise of Such Jurisdiction as is granted to his Lordship by Your Majesty's Commission to him.

We have not inclos'd the Draughts of this Instruction to the Governors of the Leeward Islands, Massachusets Bay & New Hampshire, North & South Carolina, as we intend to incorporate it in the General Instructions we are now preparing for the Governors of those Places:

All which is most humbly Submitted.

Edw^d^ Ashe. Westmorland.
Orl^o^ Bridgeman. P. Doeminique
W. Cary. T. Pelham.
M. Bladen.

Whitehall 17^th^ March $17\frac{29}{30}$.

Draught of an Additional Instruction relating to the Bishop of London's Ecclesiastical Jurisdiction in America.[1]

Having been graciously pleas'd to grant unto the Right Rev.d Father in God Edmund Lord Bishop of London, a Commission under Our Great Seal of Great Britain, whereby he is impower'd to exercise Ecclesiastical Jurisdiction by himself or by such Commissaries as he shall appoint, in Our Several Plantations in America; It is Our Will & Pleasure, That you give all Countenance & due Encouragement to the Said Bishop of London or his Commissaries in the legal exercise of Such Ecclesiastical Jurisdiction, according to the Laws of *the Island* [Province] *Colony* under your Government, & to the Tenor of the Said Commission, a Copy whereof is hereunto annex'd, & that you do cause the Said Commission to be forthwith Register'd in the Publick Records of that *Our Island* (Province) *Colony*.

Draughts of the foregoing Additional Instruction, were prepar'd for

Robert Hunter, Esq.r - - Gov.r of Jamaica.
Henry Worsley - - - - - Barbadoes.
John Pitt - - - - - - - Bermuda
Woodes Rogers - - - - - Bahama's
Rich.d Philips - - - - - Nova Scotia.
J.no Montgomerie - - New York & N. Jersey.
Earl of Orkney - - - - - Virginia.
Ben.n. Leonard Calvert, - - - Maryland.
Patrick Gordon, - - - - Pennsylvania.

[1] Submitted to the King in Council April 20th, and approved.—Ed.

Lords of Trade to Governor Montgomerie—relative to the appropriation of Interest Money in New Jersey.

[From P. R. O. B. T. New Jersey, Vol. XIV, p. 262.]

Letter to Coll Montgomerie Governor of the Province of New Jersey & New York.

To John Montgomerie Esq^r.

Sir,

We have received your Letter of the 2^d^ of August last & have Consider'd the Reasons offer'd by you to induce Us to Consent to the Appropriating to the incident Charges of the Government Part of the Interest Money arising from the New Jersey Act, Intituled *An Act, for an Additional Support of the Government and making current Forty Thousand Pounds in Bills of Credit for that & other Purposes therein mentioned;* Pass'd in 1723.

But We do not find those Reasons sufficient to engage Us to alter our Opinion upon this Subject, and therefore desire you would take Care that the said Act be duly put in Execution, according to its original Intention.

We must now remind You of Our Letter of the 20^th^ November 1728, wherein We desir'd You to move the Assembly to pass An Act for repealing the last Clause of *that for appropriating part of the Interest Mony, paid into the Treasury by Virtue of a Law of this Province and for subjecting the Residue to future Appropriations;* Since which time you have given us no Account of what you propos'd to the Assembly upon this Subject, nor what their Resolutions were; Wherefore We must again inform you that unless We receive some Account of their Compliance in this Respect by the first return after your Receipt of this Letter We shall certainly lay the said Act before His Majes-

ty for His Disallowance, being determin'd to see the Act for creating this Paper Mony very strictly put in Execution.

We have likewise receiv'd your Letter dated at New York the 20th of October last promising Us to hold Courts of Chancery, when occasion offers as former Governors have done, And We hope you will take Care to comply therewith according to your Instructions.

We cannot finish this Letter without reminding You of those Articles of Your Instructions Directing your Correspondence with Us in which We think you have been somewhat remiss, not having heard from you since November last; We expect you should be more punctual therein for the future as likewise in sending Us frequent Accounts of whatever Passes in Your Government; It being for His Majestys immediate Service that you should do so; And that you should constantly send Us the Publick Papers required by your Instructions together with full and satisfactory Answers to Our Circular Queries.

So We bid you heartily Farewell, and are Your very loving Friends and humble Servants

WESTMORLAND.
T. PELHAM.
ORL° BRIDGEMAN.
W. CARY.

Whitehall April 24th 1730.

Governor Montgomerie to the Duke of Newcastle—about New Jersey Copper ore.

[From P. R. O. America and West Indies Vol. 12, p. 6.]

Perth Amboy May 20th 1730

My Lord. [Extract]

* * * I have * * * received Your Graces Letter of March the 2d recommending it to me to assist the English Copper Company, in purchasing a suffi-

cient quantity of New Jersey Ore. I have had several conferrences with the Proprietor of the Mines, I find him unwilling to enter into any contract here, and all I can bring him to is to promise, that when his Ships arrive in England with the Ore, the Company shall have the first sight of it, which he thinks is preferring them to all others. I am with the greatest respect

My Lord Your Graces most humble
and most obedient servant
J. MONTGOMERIE.

His Grace the Duke of Newcastle.

Letter from Governor Montgomerie to the Lords of Trade—about New Jersey Affairs.

[From P. R. O. B. T., New Jersey, Vol. III, E. 57.]

Lr from Col^{o} Montgomerie, Rec'd Sep^{r} 12th 1730.

Perth Amboy May 22^{d} 1730

My Lords

The last letter I had the honour to receive from your Lordships was of July the 9th 1729, which coming in the beginning of Winter, I had not till now an opportunity of acknowledging the receipt of it.

I have so great a desire to have my conduct approv'd of by your Lordships, that I was very uneasie when I read the second paragraph of your letter, because by it I fear your Lordships think that I discouraged the late Assembly from applying to the Crown by Address for a distinct Governour. I assure your Lordships I was far from doing so, on the contrary, when I was informed of their private meetings, and had good intelligence of their secret consultations, which they carefully endeavour'd to conceal from the Council and

me: to prevent their running themselves into absurdities, and inextricable difficulties, I publickly delared in all companies, and particularly to the Members, that if the Assembly in a dutiful manner addrest His Majesty for a distinct Governour, I would not oppose the Councils joyning with them, and would willingly transmit their Address if they employed me to do so, and if your Lordships will be pleased to call for my letter of April the 20th 1729, you will find, that the principal reason I gave for dissolving that Assembly, by the unanimous advice of the Council, was because in their resolves and message, they mentioned no application or address to the King.

I have with great anxiety waited for Your Lordships answer to my letter of the 2d of August last and in expectation of having it before now, prorogued the Assembly from time to time, till I could do it no longer, the present Revenue expiring in September next, so I met them on the 7th of this Month, and I send your Lordps a copy of what I said to them at the opening of the Session, as also of their Address to me, I did not in my Speech mention your Lordships instructions for repealing the last clause of the Act for appropriating a part of the interest money &c, because the Act providing for the Incidental Charges of the Government, (to which use the Interest money has been applyed,) is generally the last Act of the Session, and before that is brought in, I hope to have your Lordships answer to the long letter I wrote last year upon that Subject. I have conversed with all the Members about Your Lordships Instruction, and endeavour'd all I could to prepare them to comply with it, in case your Lordships repeat your Order for my insisting upon the repeal of the clause; I cannot say that they have given me any encouragement to expect, that they will consent to the sinking of the Interest money, still insisting upon this, that the Bills sink regularly and punctually without it.

The Assembly has as yet gone upon no business of consequence, haveing been obliged to Adjourn a week because of the Supream Court, which required the attendance of several of the Members: The Quakers are as numerous in this as they were in the last Assembly, I hope they will behave now better than they did then, and do something to deserve the great favour of having their Bill ratified by His Majesty. Mr Kinsey one of their profession is chose Speaker, he is a Man of sense and honesty, has a great regard for His Majesties Service, and the prosperity of the Province: I know he will do all he can to keep his Brethren in a good temper, when the Session is over I shall give your Lordships a particular account of the proceedings of the Assembly.

I return your Lordships my sincere thanks for the speedy, just, and favourable report you made of the dispute betwix Mr Morris Junior and me. The removing that Gentleman from the Council Board was absolutely necessary, for his whole business ever since my Arrival, has been to set the Council, Assembly, and me by the Ears. I shall trouble your Lordships no further now, but I beg leave to say that I am with the greatest respect, My Lords

your Lordships most humble
and most obedient servant
J Montgomerie

The Right Honble the Lords Commissioners of Trade.

Petition to the King from the New Jersey Assembly—asking for a separate Governor from New York.

[From P. R. O. America and West Indies, Vol. XII. p. 7.]

To the King's most Excellent Majesty.

The Humble Petition of the Representatives

of the Province of New-Jersey in America in Generall Assembly conven'd.

Most Gracious Soveraign.

WEE your Majestys most loyall and dutifull Subjects the Representatives of your Province of New-Jersey in Generall Assembly conven'd, by the early care your Majesty has been pleased to shew for the Generall benefit of all your people, are animated to believe, that nothing which may contribute to the advantage und prosperity of this (tho' small and distant) part of your dominions, will be denied us.

Wee therefore beg leave thus to approach your Royall presence, in discharge of that duty wee owe, to your Majesty and to our Country, in the most humble manner to represent.

That the Inhabitants of this Colony (formerly a Proprietary Government) since the surrender thereof to the Crowne, have always been the same Governour with your Majestys Province of New-York, that wee humbly apprehend it would much more conduce to the benefit of this Province, and be no prejudice to that of New-York, were there Governours, as are the Governments distinct.

It is a peculiar happiness many of our fellow subjects enjoy, to be near your Royall person and to pertake of the immediate influence of so good a Government; but since our distance deprives us of that great benefit, it might (wee humbly hope) in some degree to be recompens'd, by having a person cloath'd with your Majestys authority constantly residing amongst us.

This wee cannot expect whilst under the same Governour with New York, that Government necessarily taken up so much of our Governours time, that but a small part of it can fall to our share: and his Residence being chiefly there, renders application to him from hence, on ordinary occasions difficult, and in Extraor-

dinary (however willing) he may be unwilling to relieve, untill the affairs of that Province will permitt his coming into New-Jersey.

Under the like difficultys (and for the like reason) we have laboured in respect to our Principall officers who have formerly been Inhabitants of that Colony; which not only renders them less usefull in their several stations, but by Spending their sallarys there, drain'd us of money which would otherwise have circulated amongst us.

Our having the same Governour with the Colony of New York, at first, as (as wee humbly conceive) because this Province was then in its Infancy the Inhabitants few, and it might Justly have been thought too heavy a burden to maintain a Governour of our own, but Since we are now much more numerous, and are as able and willing to Support one, as divers of our neighbouring Colonies who enjoy that benefit; Wee are humbly of opinion, the granting this Colony such a Governour; might tend to encrease our wealth, and Put us in a condition to Emulate our neighbours in Trade and Navigation.

Wee intreat your Majesty to believe, that nothing wee here say proceeds from any dissatisfaction to our present Governor; on the Contrary wee are very well pleased with his Government and desire it may continue during your Royall pleasure, but all we humbly ask is, that when your Majesty shall think fit to put a period to his Government, you will then graciously condescend to bestow a distinct Governour on this your Colony of New Jersey.

That your Majesty may long live to enjoy the Crown you wear with ease and delight, exceeding in honour your Illustrious Ancestors; that when you part with an earthly diadem, it may be to receive a Crown more permanent and glorious; And that great Brittain and these your Dominions may be always happy in a Sov-

eraign, whose virtues are so conspicuous (as in duty we are bound) shall be the prayers of

Divers of the Members of this Assembly being of the People called Quakers Concurr to the matter and Substance of this Address but make Some Exceptions to the Stile

May it Please your Majesty,
Your Majestys most dutifull &
most Loyall Subjects,
By Order of the house 4th 5mo 1730
JOHN KINSEY Junr Speaker.

Memorial of James Alexander, Surveyor General of New Jersey to Governor Montgomerie.

[From the Original among the Papers of James Alexander in the Rutherfurd Collection.]

To his Excellency John Montgomerie Esqr Captain General and Governour in Chief of the provinces of New York and New Jersey and territories thereon Depending in America And our Admiral of the same &c.

The Memorial of James Alexander Surveyr General of New Jersey.

Humbly Sheweth

That upon the Surrender of the Government of New Jersey by the Proprietors to the Crown there were Sundry Instructions Stipulated to be given to the Governours of that Province from time to time for the better preserving the proprieties of the Proprietors in that Province, amongst which one Instruction was to be to this purpose

To permitt the Surveyors and other persons appointed by the General Proprietors for Surveying and Re-

cording the surveys of Land to Execute their trusts, And if need be to aid and assist their Officers, Provided that they do not only take proper Oaths for the Due Execution of their Offices, but also give good Security for So Doing and take the Oaths appointed by Act of Parliament and to make and Subscribe the Declaration As by your Excellencys Instructions this Memorialist presumes will more fully appear.

That about the year 1715 this memorialist was appointed Surveyor Gen! of New Jersey by the General proprietors thereof who thereupon represented to his Late Majesty their appointment; And that it was of Great Consequence to the publick peace as well as for the Security of the property of the Subjects that the said Office be faithfully Discharged, praying his Majestys Directions to the Governour for the time being to give this said Officer and all Due Countenance and Assistance in the Discharge of his office. Whereupon his Late Majesty by his Letter Dated the 9th of May 1715 Did Direct the Governour for the time being to Assist and Countenance the said Officer in the Execution of his Office in the way that may be most Effectual to prevent all Disputes and Divisions which may Arise amongst the Subjects there with respect to their propertys As to the Original of the Proprietors Commission and Letter both which are Entered of Record in the Secretary's Office of New Jersey here ready to be produced may appear

That in the year 1715 your Memorialist Arrived in New Jersey with the Said Commission and Letter, and on the Seventh of November in the same year produced them in Council to the then Governour, where your memorialist was Sworn, pursuant to the Instruction aforesaid, & gave Security & the then Governour with the advice and Consent of the Council Issued a proclamation forbidding all persons whatsoever Excepting your memorialist and his Deputies to Execute

said the Office of Surveyor And all officers Majesterial or ministerial were thereby required to give your memorialist Suitable Countenance and Assistance in the Execution and Discharge of his Said Office as by the minutes ofCouncil of the Said Day and a printed Coppy of the said proclamation here ready to be produced will appear.

That the Council of Proprietors of the western Division opposed your memorialist in the Execution of the said Office Claiming the right of appointing the Surveyor General, but proposed to appoint your memorialist if he would Accept of their appointment, which he refused unless it were Done in Such manner as that there might be no Disputes afterwards with them upon that head, and accordingly they agreed to appoint and in the year 1716 Did appoint your Memorialist Surveyor General of the western Division of New jersey During his good behaviour As by the appointment in the minutes of the said Council of Proprietors and a true Coppy thereof under the hand of their Clerk here ready to be produced will appear.

That in the Year 1719 An Act of the General Assembly was made wherein Sundry regulations of the office of Surveyor General were made amongst which is one that he give Security to the Governour in one thousand pounds Sterling which your Memoralist Complyed with

That your memorialist being Intituled to the said Office as aforesaid has peaceably held and Enjoyed it till Lately that your memorialist was Informed the Council of proprietors of the Western Division had taken upon themselves without any Surrender from your memorialist or Conviction for or Even pretence of Misdemeanour to appoint a Surveyor General in your Memorialists room Whereupon your Memorialist then by Letter acquainted your Excellency of his title to the said Office hoping your Excellency would not Counte-

nance the person So appointed nor admitt him thereto by Administring the Oaths to him or takeing Security According to the direction of the Instruction and Act of Assembly aforesaid, Untill I was Legally divested of the Said Office, which your Excellency was pleased to say you Should not Doe.

That your Memorialist has been Credibly Informed that Samuel Bustell Deputy to James Smith Esq[r] Secretary of the province & Recorder of the Proprietors Did take upon him (without any Delegation: from your Excellency of the power of Admission of Surveyors as aforesaid) to Administer the Oath or affirmations to the person so appointed and Receive and Judge of his Security

Upon which your Memorialist Cauzed to be represented to the person so appointed the Illegality and Irregularity of his appointment and Admission Whereupon as your memorialist has been Informed he was so Convinced of the Illegality & Irregularity of the matter that he refused to take upon him the Said Office.

That your Memorialist is now Credibly Informed that there is a Combination amongst Some of the Council of Proprietors who together with all their Ellectors are not Intituled to five proprieties, and that in opposition to the rest of the proprietors who altogether make up the hundred proprieties, again to appoint another Surveyor General, and to Get Samuel Bustill aforesaid to admit him and to get a number of People (amongst which it is Said the Said Samuel Bustill has offered to be one) to Enter into bond to warrant the power so appointed in the Execution of the said Office against all Suits that may be brought against him for so doing

That your Memorialist is also Credibly Informed that the Said Samuel Bustill Contrary to the Duty of his Office has taken upon him to record Certificates of Surveys not made by your memorialist whom he well

knows to be only entitled to make them as aforesaid and which power your memorialist never Delegated to any person

That your Memorialist Conceives tho the Combination aforesaid & practices of the said Samuel Bustill Cannot Divert your Memorialist of his Said Office Yet they will much tend to Stirring up Disputes & Divisions amongst the Subjects with respect to their properties to the Endangering the public peace of the province

That your Memorialist Conceives it his Duty to Lay these matters before your Excellency Humbly Submitting it to your Excellency to take Such measures in the Premises as may be Effectual to Correct Such usurpations of your Authority and to remedy the above Evils & preserve the Publick Peace According to the power Lodged in your Excellency & more particularly by the Instructions and Letter before mentioned

JA: ALEXANDER

New York July 27 1730

Ordered that Samuel Bustill be served with a Copy of the above Memorial and that he communicate that Copy to the Council of Proprietors at their first sitting, and that if they have any objections to any of the facts of the Above Memorial they may represent them to me, with all convenient speed, in order that with the said Memorial they may be taken into consideration at the next Council, and thereupon such measures may be taken as by the Advice of His Majesty's Council shall be thought proper

J. MONTGOMERIE.

Memorandum:

That on the 30th day of July 1730 was Samuel Bustill Shown this Memorial and a True Copy Thereof Given To him By me

IS DECOW.

Thomas Smith to the Secretary of State—asking to be appointed Governor of New Jersey.

[From P. R. O., America and West Indies, Vol. XII, p. 8.]

30 July 1730

My Lord,

Upon Certain information that a petition of the assembly and the Inhabitants of the New Jerseys is soon to be presented to His Majesty praying that a Separate Government may be Established there, and a Distinct Governour appointed over those provinces:

I make this my most humble request to your Grace; that through your graces favour if the said petition to be granted; I may be the person appointed Governour of the said provinces.

My services being in a great Measure known to your Grace incourages me uery much in this my application, as well as the inherent pretensions I Claim to your Graces patronage and protection from having been honoured with the like in a perticular manner by your Graces Uncle John Duke of Newcastle, for whose memory and for whose friends I flatter my Self your Grace will always Shew a Regard

I am my Lord with very great Duty and Respect
Your Graces most Obed^{t} and most Humble Serv^{t}
THOMAS SMITH

The Answer of the Council of Proprietors of the Western Division of New Jersey to the Memorial of James Alexander, Esq., lately presented.

[From a Copy among the Papers of James Alexander in the Rutherfurd Collection.]

To HIS EXCELLENCY John Montgomerie Esq^{r} Cap^{t} General and Gov^{r} in Chief of the

provinces of New Jersey New York and territories thereon Depending in America & Vice Admiral of the Same &c

May it please your Excellency:

This board haveing by your Excellency's Order Lately received from M^r^ Bustill Deputy Secretary at Burlington the Coppy of a memorial presented to your Excellency by James Alexander Esq^r^ complaining of our proceedings in appointing another person to execute the office of Surveyor General for said Division the right of which from what he has alledged in that memorial he Conceives to be wholy Invested in himselfe We first withall Due Submission and thankfullness acknowledge your Excellency's goodness in ordering the said Comp^t^ to be Communicated to us and next we humbly offer to your Excell'ys Consideration the reason of our proceedings in the point of which that Gentleman Complains.

But that the whole affair may be better Judged of we gladly Embrace this opportunity of representing to your Excellency the true foundation of the Constitution of this board how it was first formed and by what power it acts which we believe cannot at present be done more Effectually than by humbly offering to your Excellencys Inspection a memorial formerly drawn up upon Occasion of an Attack made in this board And presented to his Excellency Brigadier Hunter in the Year 1713: who was pleased not only very favourably to receive the same but from that time Showed a hearty Inclination to Contribute what in him Lay to Establishe the proprietary affairs of our Division in such a foundation as might for the future prevent all Difficultys on the Subject And which might in a great Measure been happly effected And we Cannot Doubt but from your Excellencys known benevolence to mankind you will on Considering that memo-

rial herewith humbly Presented, be pleased to Countenance & Encourage the Endeavours of those who would Still Labour for the same good end And who would think it a great happiness if under your Excellencys administration it might possibly be obtained tho it has hitherto unfortunately miscarryed Viz that the rights of all persons claiming Lands in the Said Division, on proprietary purchases, Sho'd be fully Ascertained, and all the Disputes about the manner of obtaining them be for ever Determined and ended

And as that Memorial cleerly Shows the Institution of this board we further Crave Liberty to observe That tho' those proprietors of this Division who are resident in England have at times Claimed a Superiority over the rest, as Conceiving them perhaps inferiour because of their Less Honourable Scituation; Yet these resident here whose rights were unquestionably of Equa validity, who had also the Superior meritt by ventureing their Lives and Estates over the ocean, And Raising by their Industry and Improvements the Lands of the province to the value they have born: without which they could certainly have been of very Little of any

And who had further the advantage of being present on the Spot when Every order must be put in Execution these residents here we say have Constantly not only Claimed, but have Actually exercised the authority and Right of Constituting all officers whatsoever necessary for the Regulation of our proprietary affairs here, And from hence it was that tho' James Alexander brought over a Commission from those Called the Society who have vested in them about twenty one proprietys (not much more than one fifth of the whole hundred that make up the Division) this board at that time would by no means admitt of his Claim to the Surveyor Generals Office on the foot of that Commission: Yet Conceiving a good opinion of the gentleman's

abilities and his Capacity in all respects to Serve them being then a resident in the province, and haveing a a few or no avocations from Such a Charge, they therefore thought fit to appoint him as a person well quallified for and worthy of the trust but the Cercumstances of his affairs, and residence being earged, and the annual Ellections of our officers according to our foundamental Constitutions (for Information whereof we humbly refer your Excellency as above) being altered if not subverted in one of its most Essential parts and propertys made us think of a Change neither did this board conceive that the appointment of another might have proved matter of Complaint, but rather an Ease to the Gent to be released from such a Charge for as all officers are or Should be appointed for the Sake of such business only as Each respective Office was Errected for; It may be very Easily be Judged how far the Duty of a Surveyor General of the western Division of New jersey Lying on Delawar can be Discharged by a person engaged as that Gent. is known to be at a remote Distance

As to what is Said by the Memorialist of his being Credibly Informed that Samuel Bustill Deputy to James Smith Secretary and Recorder &c did take upon him without any Delegation from your Excellency to administer Oaths or affirmations to a person we had appointed to be our Surveyor General and to receive and Judge of the Security—

On Enquiry we found there was a writt of Dedimus potestatem in the Secretarys office Granted under the Great Seal of this province and Directed to James Smith Esq^{r} Secretary of Said province and Said Samuel Bustill Authorizeing and Impowering them or Either of them to adminster the oaths or affirmations required by Law to all officers in the western Division of this province *Which* writts of Dedimus Potestatem have Ever been Issued and Left in the Secretarys office

here as well for the more Speedy Qualification in respect of the Governours residence at New York

And we in exercise of the right and power that we have Ever held and Enjoyed in that behalfe haveing appointed the person Spoke off by the memorialist to be our Surveyor General conceived we were within the benefite of the Said writt to have the Oaths or affirmations required by Law administered to him and accordingly requested the same to be done by the Said Bustill, as a matter of right he being intrusted and Impowered as before observed, & the Secretary mentioned with him being at that time absent at New York

We hope that from what we have promised to your Excellency in affirmmance of our power of appointing Such an officer, Your Excellency will be Enduced to think, we did not Act in that behalfe otherwise than as we were well entituled to do and warranted in by our Constitution *And* therefore that the said Bustills Complyance with our request, will not be Imputed to him of your Excellency as any Subject of blame or Acting Inconsistently with his duty but rather in Conformity to it as, not haveing a Judicial power to Determine our right of Constituting the Said officer or in whom the title to the said office Lay—

We assure your Excellency that we do not know or ever heard of any Combination of the said Bustill with us as Complained off by the memorialist nor did we ever ask the said Bustill to Come into any Association with us in our proprietary affairs

And in respect of the other Charges against the said Bustill mentioned by the memorialist, we beg leave to refer your Excellency to the said Bustills own answer who is best able to vindicate himselfe in regard of the other facts Suggested against him by the memorialist

By order of the Council of Proprietors

ISAAC PEARSON Clk

Burlington 9th of Septemr 1730

John Parker of Perth Amboy to the Rev. William Skinner—relative to the Mottoes for the Seal of the City of New Brunswick and Mr. Skinner's answer.

[From Original among the MSS. of W. A. Whitehead.]

To the Rev^{d} William Skinner

Sir

I have been divers times to wait upon you at your own house but you were gone out, I had a favour to Ask of you in behalf of the Corporation (that is to be) of New Brunswick.

The Seal of the City of Perth Amboy is Engraven on the dexter with a hunting horn And over it *Arte non Impetu.* On the Sinster with a Ship riding at Anchor in a harbour & under it *Portus optimus.*

The Seal of the City of New Brunswick is to be Engraven on y^{e} Dexter with a Shief of wheat and a pair of Ballances or Scales weighing a barrel of Flower and over it [*Alma Sed Æqua*] & on the Sinster wth a boat riding at anchor in a river before the Town and under it [*Laeter revertor*]

The favour Now asked of you is to fill up those blanks[1] with apt words, which will be acknowledged by the Corporation as well as by Your

Most Humble Serv^{t}

John Parker

P. Amboy Sep^{t} 17th 1730

I should be glad If you would do it this week

[1] The blanks left by Mr. Parker in the original, have the phrases within brackets

Answer of Rev^{d} William Skinner

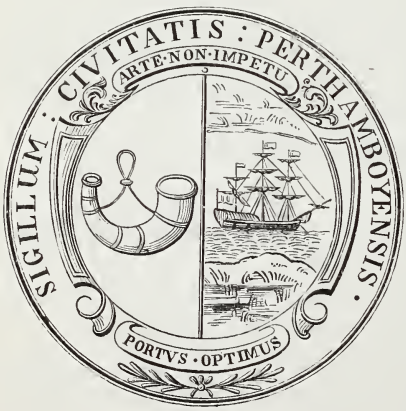
P. Amboy Sept^{r} 17. 1730

S^{r}

I have fill'd up your Blanks in Such a manner, as I think they may pass, tho' perhaps not please a nice Critick, whom indeed it is hardly possible to please. However But you may know my meaning in gen^{l} Take it thus. The first is, *Alma Sed æqua*—By w^{ch} may be meant a Certain old Gentlewoman named *Ceres*, and rightly represented by the Sheaf of wheat, displaying her Bounty to mankind, but yet with an equal hand as figured by the Scales, denoting that That Bounty extended in proportion to Industry. And thus we may imagin to hear the Goddess say—*Sum alma Sed Sum æqua.*

The next is—*Laeter revertor* and this I suppose to be the Language of the boat at anchor safely returned to the Satisfaction of the Merchants wishes (and that is not easy) I am S^{r} Yours

Wil: Skinner



written on them in the handwriting of Mr. Skinner. His suggestions do not appear to have been carried out, for the Seal of New Brunswick now, which is thought to be the one adopted in 1730, represents an ordinary Shield surmounted by an Eagle with outspread wings for a Crest: an arm holding a hammer is on the dexter side of the shield, a small sloop, on the sinister side; the motto "Probity" surmounting the whole.

The seal of Perth Amboy remains the same unto this day. The hunting horn was introduced in honor of Governor Hunter, who granted the first charter to the city in 1718.—Contributions to the Early History of N. J., pp. 50-52.– Ed.

P. S. If this will pass 'tis well, if not let me hear the objections and I will mend y^e^ matter if I can

W. S.

Governor Montgomerie to the Lords of Trade — in relation to several Acts passed by the New Jersey Assembly.

[From P. R. O. B. T. New Jersey, Vol. III, E 59.]

L^r^ from Col^o^ Montgomerie, dated Nov^r^ 20^th^ containing remarks on Several Acts passed in New Jersey in 1730, on An Address from thence for a Separate Governor, and excusing his not transmitting the publick papers Sooner. Recd Febry 27^th^ 173^9^.

New York November 20^th^ 1730

My Lords

My last to Your Lordships was of the 22^d^ of May from Perth Amboy, and I have had the honour to receive your letter of April the 24^th^; which did not come to my hand till the end of September, several Weeks after the Assembly of New Jersey was Adjourned: It being in Answer to my letter of September the 2^d^ 1729, I am very sorry that I had it not before they met, or while they were sitting, for my not receiving Your Commands then, made me flatter myself, that what I had represented to Your Lordships had induced You to alter Your opinion as to the disposal of the Interest Money, If I had not thought so, I would not have given my Assent to the Act N^o^ 3, of which, and the other Acts past last Session, I shall now give Your Lordships a particular Account.

N^o^ 1. An Act for the more speedy recovery of lega-

cies, that have been or may be given in this Province, and for Affirming such Acts of Administrators, bona fide done, before notice of a Will.

This Act consists of two parts, the first relates to Legacies, the Second to Letters of Administration, as to the first part, There being no Eclesiastical Courts in this Province, the only remedy for a Legacy given out of a personal Estate was in Chancery, the method of recovering in which Court, was not only tedious, but the expence attending it did often exceed the Legacy given: for remedying whereof, this Act gives the Court of Common Law in the Province the Cognizance thereof. As to that part of the Act which relates to Letters of Administration, as the Law stood before the making of this Act, where any person dyed here, and Administration was regularly granted of his Goods and Chattels, yet, if a Will after appeared, all the Acts of such Administration (altho bona fide done) were held merely void, and an Action was maintainable by the Executor, or Executors appointed by such last Will, against any person who had purchased Goods of such Administrator, which was highly inconvenient, and attended with many ill consequences, for which a remedy is provided by this Act.

N° 2. An Act for Securing the Freedom of Assemblies. A great Majority of the House of Representatives, and particularly the Quakers, were violently earnest for this Act, their main Argument for it was, that by the Kings Letters Patents Authorizing the makeing Acts in this Province, they are hereby dir'ected to be, *as near as may be agreeable, and not repugnant to the Laws of England.* And this Act providing in relation to our Assemblies, what is done in Great Britain relating to Parliaments, must be warranted by those Letters Patents, nor did they think it affected the prerogative of the Crown any more (if so much) as the Act for the Triennial calling of Assem-

blies past by Governour Burnet, and (as they positively asserted) reported by Councellor Fane as fit to be Confirmed. When this Bill was brought up to the Council, the Board unanimously intended to reject it, but when they considered that there would be time to lay it before His Majesty by Your Lordships, before it could be reduced to practice, to keep the Assembly in a good temper they agreed to the Act, and advised me to give my Assent to it.

N° 3. An Act to inforce the Payment of the Incidental Charges of this Government, out of the Interest Money, by a former Law of this Province subjected to future Appropriations

As soon as the Assembly met, I confer'd with every one of the Members upon the subject of Sinking the Interest Money, and told them that I was ordered by Your Lordships, to move them to pass an act, for repealing the last Clause of *that for appropriating part of the Interest Money paid into the Treasury by virtue of a Law of this Province, and for subjecting the residue to future Appropriations;* And that if, this was not immediately comply'd with, Your Lordships would certainly lay the said Act before His Majesty for His Disallowance: Their general answer was, that if I represented this Affair right to Your Lordships, you would surely alter Your Opinion, and not insist upon Sinking the Interest Money: They defy'd me to shew any inconvenience that attended such Appropriations, for the credit of their paper Currency was now as good or better, than it was at the time of the first Appropriation. That they would this Session, as they had done in every former one, make strict enquiry into the circumstances of the Law Offices, to see that the Bills be regularly Sunk. I must do them Justice to say that indeed they did so, and when there was the least appearance of a deficiency, or rather a delaying of the payments by the Death of some of the Managers, they immediately

provided a remedy, as Your Lordships will see by their Notes. I still insisted upon their Sinking the Interest Money, and repealing the last Clause of the Appropriating Act; They then plainly told me, that the Government could not be Supported, unless the Incidental Charges of it, were paid out of the Interest Money. My having no hopes to prevail with them, was the reason why I did not move the appeal of the above mentioned Clause, as Your Lordships ordered me, for I could expect nothing but a public, or perhaps a rude refusal: Such as probably would oblige me to Dissolve them, and I leave it to Your Lordships to Judge, in what a Condition His Majesties Province would have been, without any Support of Government, the one then existing being to expire in Two Months. In pursuance of what most of the Members told me, a Bill was brought into the Assembly for Supporting the Government for five Years, and the Contents of this Bill, of which I am now giving Your Lordships an Account, was added to it, that they might as one of them exprest, stand and fall together. Such a Bill I intended to refuse at all hazards, and I believe it would have come to that pass, if it had not been for the prudent management of M[r] Kinsey the present Speaker, and Doctor Johnston who was Speaker of the last Assembly, they with great difficulty perswaded them to separate the Bills; when they were brought in singly, the case stood thus, I must either pass the Bill for Defraying this Years Incidental Charges of the Government out of the Interest Money, or they would not pass the Bill for the Five Years Support: Not having then (in June 1730) received Your Lordships letter in answer to mine of the 2[d] of September 1720, I was in hopes, as I mentioned in the beginning of my Letter, that your Lordships had altered Your Opinion about the disposal of the Interest Money, otherways I would not have presum'd to have given my Assent to this Bill. So I beg your Lordships will put a favour-

able construction upon what I have done, with a good intention for His Majesties Service.

[An account of Bills, Nos. 4 to 14, inclusive, then follows in the original, but it is thought unnecessary to insert it, as the bills were comparatively of little moment and were generally approved.]

N° 15. An Act the better to enable the Inhabitants of this Colony to Support the Government, Discharge their Engagements in the Loan Offices, and for relieving their other necessitys, by making currant Twenty Thousand pounds in Bills of Credit.

I did not give my Assent to this Act, till a clause was inserted suspending the force of it till his Majestys pleasure be known,[1] and shall only now repeat to Your Lordships the Arguments us'd in favour of it. The Province of New Jersey being situate between those of New York and Pennsylvania, and It's paper Money being Currant in each, occasion the disposing of it thro' the whole, so that its reckon'd that scarce a third part continues in the Province. When the paper Currency was enacted in the year 1725, Forty Thousand pounds was thought little enough to maintain a Currency, and carry on Trade. Much the greater part of which being now Sunk, and the Act which rais'd it requiring that those who borrow'd it, should pay it in again in the same Space, put the Borrowers under very great difficulties to procure it, and those difficulties are Yearly Augmenting to the Sinking of the Bills. Therefore the Assembly thought a further quantity of Paper Money necessary, as well for carrying on a Commerce with their Neighbors, as maintaining of Trade amongst themselves, and discharging their Engagements in the Loan Offices.

[1] Approved by the King in Council May 4, 1732, after the receipt of a memorial from Richard Partridge, the Agent of the Province, urging its approval—dated in September, 1731.—Ed.

Towards the end of the Session, the House of Representatives voted an Address to His Majesty, entreating him, that whenever he shall please to put a period to the Government of the present Governor, that then he will be pleased to bestow a distinct Governour on this Province. At their desire I have transmitted the Original Address to the Duke of Newcastle, and I enclose a Copy of it for Your Lordships perusal. The Assembly that met at Burlington in 1728 was full of this Scheme, and their irregular way of pursuing it, obliged me to Dissolve them: But many who were then very hot, begin now to cool about it, and I hear several Counties are preparing Addresses against a Separate Governour.

I am sorry that Your Lordships should have the least appearance of ground to complain of my being remiss in my correspondence, and I beg to assure Your Lordships, that it was occasioned by not having any opportunity of sending Letters from this for several Months, and I intrust you will also excuse my being so long without giving an Account of the proceedings of the Assembly of New Jersey, I could not get the Acts and Minutes out of Printers hands till last Week, our presses in this Country being very slow and ill Managed.

The Assembly of the Province of New York was Adjourned on the 29th of October, to the Second Tuesday in March next. I shall have their Acts, and an Account of their proceedings ready to send Your Lordships by a Ship that will sail from this in a few Weeks. I am with very great Respect.

My Lords

Your Lordships most humble
and most obedient servant
J Montgomerie

To the Lords Commissioners for Trade and Plantations

Attorney and Solicitor General's Opinion—in relation to Fines and Recoveries.

[From P. R. O. B. T. Plantations General, Vol. IX, M, 21.]

To the Right Hono'ble the Lords Commissioners for Trade and Plantations.

May it please Your Lordships.

In obedience to Your Lordships commands Signified to us by Mr Popple's letter of the 8th of this Month,—whereby we are desired to give our Opinion in point of Law, whether any Fine or Recovery levied here will cut off the Intail of Lands lying in the Plantations in America; We humbly certify Your Lordships, that we are of opinion, that that no Fine levied or Recovery suffered here of lands lying in any of the Plantations can bar the Intail of such lands, unless the particular Laws or Acts of Assembly of the Plantation where such Lands lie have provided, that Fines or Recoverys levied or suffered in England of Lands there shall have that effect; and in that case, the Force of such Fines and Recoverys depends upon such particular Laws or Acts of Assembly, and must be regulated by them.

All which is humbly submitted to Your Lordships,

P. YORKE
C. TALBOT.

15th Decr 1730.

Letter from Governor Montgomerie to Secretary Popple.

[From N. Y. Col. Docts., Vol. V. page 913.]

[Extract.]

Sir

* * * * I shall not trouble you with repeating what I have said in my leters to the Lords but refer

you to them, When you come to that point of defraying this year's incidental charges of the Governm[t] of New Jersey out of the interest money, you will see what difficulties I had to struggle with, and I do now assure you, that if I had not given my assent to the Bill enacting it, the Government of New Jersey had now been without any support, and in as great confusion as ever, the Govern[t] of New England was in the height of their disputes with Governour Burnet. I beg to hear from you sometimes, and I am with great respect Sir

Your most obedient, and most humble servant

J. MONTGOMERIE.

21 Dec[r] 1730.

Mr. Popple.

[Under the same date, Governor Montgomerie wrote to the Duke of New Castle—

"That Assembly [of New Jersey, May 7 to July 8, 1730] voted an Address to His Majesty intreating him, that whenever He shall please to put a period to the government of the present Governour, that then he will be pleased to bestow a distinct governour on that Province. Expressing at the same time their satisfaction with the present Governour, during such time as His Majesty shall be pleased to continue him in Commission. This Address they desire me to send to your Grace, and they beg you will do them the honour to present it to His Majesty. I am told that upon the perusal of this address, some application has been already made for the government of New Jersey, but I think my self very Safe, trusting to His Majesties goodness and your Grace's protection; Especially since the Address itself does not desire a separate Governour while His Majesty is pleased to continue me in that station.—N. Y. Col. Docts., Vol. V, p. 913.]

Letter from Thomas Penn to James Alexander.

[From Rutherfurd Collection, Vol. I, p. 148.]

London Feb^{y} 4, 1731.

Esteemed Friend

[Extract.]

I must mention one thing to thee which is the Choice of an Agent for your Province; Ferd. John Paris has desired me to use what Little Interest I had in recommending him to Merchants here which I did but I cant say with what success on Richard Partridge having oposed it. I need not inform thee how suitable he would be for that Place when acquaint thee we have him in that Capacity for Pennsylvania If thou wouldst Speak to some Friends of thine in his behalf. I dare say you would have no reason to be ashamed of your Recommendation. * * *

I am Thy Assured Friend

THO PENN.

Letter from Governor Montgomerie to the Duke of New Castle.

[From N. Y. Col. Docts., p. 919.]

New York June 20 1731

My Lord. [Extract]

* * * There is also a vacancy in His Majesties Council in the Province of New Jersey, John Hugg, being dead,[1] I beg your Grace will recommend Doctor

[1] "He was about ten years one of the council. Riding from home in the morning he was supposed to be taken ill about a mile from his house when getting off his horse he spread his cloak on the ground to lie down on, and having put his gloves under the saddle girth, and hung his whip through one of the rings, he turned the horse loose, which going home, put the people upon searching, who found him speechless: they carried him to his house and he died that evening."—Smith's History of New Jersey, p. 424.—ED.

John Rodman to succeed him. He is well affected to the Government, a man of sense, very much esteem'd and has a good estate in the Province. * * *

I am with the greatest respect,

My Lord Your Graces most obedient
and most humble servant
J. MONTGOMERIE.

President Van Dam to the Lords of Trade—informing them of the death of Governor Montgomerie.

[From N. Y. Col. Docts., Vol. V, p. 921.]

New York 1 July 1731

My Lords,

I thought it my duty with all speed to acquaint Your Lord^{pps} with the death of our late Governour John Montgomerie Esq^{r} who departed this life last night. And that until further orders from his Majestie, the Govern^{t} of this Colony is devolved upon mee as the first of his Majesties Council here, assuring Your Lord^{pps} that to the utmost of my power I shall with all faithfulness discharge my duty therein till his Majesties orders shall arrive; and that I am with all dutyfull respect My Lords,

Your Lord^{pps} most humble obedient servant.

Rip van Dam

The Lords Commiss^{r} for Trade & foreign Plantations.

[1] For notice of Rip Van Dam see Vol. IV, p. 408.—ED.

President Lewis Morris to the Duke of Newcastle—informing him of the death of Governor Montgomerie.

[From P. R. O. America and West Indies, Vol. XII. p. 14.]

Perth Amboy New Jersie July 19th 1731

May it Please your Grace

The Intention of this is to give your grace the Melancholly account of the death of Collº Montgomerie our late Governour. he dyed suddainly at New York about foure of the clock on thursday morning the first of this month; some say of an Appolectick fit, some say the gout with which he had been for some time before afflicted got into his Stomach & carried him off. the particulars of which will I presume be more fully transmitted to your grace by the President of New York. he was buried on fryday evening, on saturday I received the Seales and papers relating to this Province and immediately repaired to it. but it being the heighth of harvest here and the gentlemen of his Majesties councill living verry remote from each other I could not get a councill together till the Wednesday and then but foure of them besides my Selfe; when I took the Oathes usuall on Such an Occasion; and at the desire of that councill Summoned another to meet at this place on the 16th pass'd

The Inclosed addresse or memoriall to me which they desire me to lay before your Grace, is what I believe they Chiefly intended by that meeting. if I am rightly informed what is there said to me is the generall sence of the whole or by much the greatest part of the Province; and the truth of the matters of fact alleged by them consists with my knowledge.

If his Majestie should be graciously inclined to comply with their desires, I humbly submit it whether it would be inconvenient to call the Assembly to try whether a suitable Support to call raised by them in case they should be indulged with such a Separate governour; which perhaps they may now have very Vigorous resolutions to do in an ample manner, whilst their desires are strong; and which may flagg when they are gratified.

The gentlemen of the Councill dwelling so remote from each other; and all but two from this place it is not easie to get a majority of them together.

I find there are very many officers both civill and military wanting which I shall try to supply in the best manner I can agreeably to his Majesties instructions and endeavour by my conduct to Approve myselfe his Majesties faithfull and loyall subject and

My Lord Your Graces most Obedient
& most humble Servant

Lewis Morris[1]

Address and Memorial of the Council of New Jersey to Mr. Morris, their President. [*Enclosed in the foregoing letter.*]

[From P. R. O. America and West Indies Vol. 12, p. 15.]

To the hon^ble^ Lewis Morris Esq^r^ President of his Majestys Council for the Province of

[1] In Vol. III, p. 285, will be found Colonel Morris' autograph as written earlier in life. At what age he adopted the one given in the text is not definitely known. He sometimes wrote it larger, but, it is thought, retained the same style the remainder of his life.—Ed.

New Jersey the address & Memoriall of the Members of his Majestys said Council Subscribing the Same.

Sir

The mallancholly Account of the Sudden death of our late Governour gave us no small concerne but we are not without reasonable hopes that a person of your Capacity and great Intrest in this Province will by a Steady application to the Publick business render the loss of Mr Montgomerie less grievious then otherwise it would have been.

And as wee Condole with you for his death so we congratulate your Accession to the Government and Shall not be wanting in our best Endeavours to render it beneficiall to his Majesty's Subjects here (without derogating from his Royall & Just Prerogative) and happy and easie to yourself during your Continuance in the administration of it: and if his Majesty shall not think it inconsistant with his Service to Suffer it to longer then is usuall on such occasions we Shall Esteem it as a great instance of his Majestys Royall goodness & favour unto this Province.

The late Governour was pleased to dispence with your attendance during the Setting of the last Assembly so that you were not present at the many debates that then were concerning the Government of this Province by a Governour Separate and distinct from the person appointed to be Governour of New York, which (by the Consent of the Late Governour) at last ended in an Address to his Majesty by the Assembly for such Separate Governour.

Yet the knowledge you have of the Nature and circumstances of this Province and the long Experience you have had of the methods of Government both before and since the Surrender of it to the Crown (your

having been nigh fourty years concerned in it and for the most part at the head of the Council during that time) makes it as we believe impossible for you to be unacquainted with the Causes that gave rise to those debates and the reasons which induced the Assembly to make that Address.

The Generall Proprietors who were greatly Interested in the Propertie of the Soil of this Province did upon their Surrender of the Government to the Crown in the year 1702 concieve they were in some measure entitled to have a governour appointed over this Province distinct from the person that was to be Governour of New York and the making the Same person Governor that was also Governour of New York being destructive of their Intrest they understood that a distinct Governour was to be appointed and flattered themselves with the hopes of it.

And if we are not Misinformed a person was by the then Queen named for that purpose: But the Lord Cornbury who had been some time before appointed Governour of New York (and who had then Actually departed the Kingdom with a Commission for Governour of New York only) did by the Intrest of his friends at Court Prevail on the Queen to alter her Intentions in that point and obtained letters patent constituting him Governour of this Province also.

The Inhabitants soon found the Ill Effects that was the consequence of Such an appointment and among many other things thought blameable in his conduct the then Assembly by their remonstrance to him represented the inconveniency to this Province of his long absence from it & residence in the Province of New York but their Complaints on that head how ever reasonable have not been hitherto been attended with the desired Success nor indeed have we any room to hope that any person Governour of New York Supported by the Large Sallary and Numerous Perquisites

of that Government with a Garrison at his Command & a Sumptuous habitation provided by his Majesty for his Residence with Ease and Splendour will be easily prevailed upon to have so much self denyall as to reside for any considerable time amongst us who have not so great conveniences for his reception and whose coming into this Province is not only attended with an Expence to himself but a hazard of suffering some loss by his absence from New York.

But however convenient the Governours Residence in New York may be to himself and however imaginary the Supposing of him verry much under the Influence of the Councills of that Province to the Prejudice of this may be deemed to be yet that the almost constant Residence of the Chief Magistrate of any Country out of the Country to be Governed by him has been and alwaies will be Inconvenient and prejudiciall to that Country we take to be appoint of so clear and Incontestable truth and So Self Evident as to make it needless for us to make use of Arguments to Prove it.

It is but too Notorious a truth that the residence of the Governours of this Province in New York and their necessary application to the affairs of that Province have so often occasioned almost an intire neglect or forgetfullness of the Concerns of this and when Offices of the Government have beome vacant they have often been suffered to continue so for along time or filled with persons unfit for them to the great hurt of the Country which we perswade ourselves would have been otherwise had the Governours been upon the spot and taken the advice of the Councill here who dwelling in Several parts of the province must be better acquainted with both men and things then a Governour Residing in New York can probably be it is no difficult task to multiply instances of this kind few of the Commissions either Civil or Military having been renewed

by the late Governour, and Some not Since the Accession of his present Majesty to the Throne of Great Brittain whereby Severall of the Courts of Justice have with great difficulty been kept up and the Militia in most places remained undisciplined which in case of an Invasion may be of bad consequence.

The Governours attending on the affairs of New York hath made it Convenient for him to Summon the Council to attend him in apart of the Province verry remote from their habitations that his meeting with them might be with the greatest ease to himself but at the Same time could not be done by them but with great fatigue as well as an Extraordinary Expence and often when the Publick affairs of the Province make applications to the Governour necessary Such is the inclemency of the weather in the Winter season that it is not Seldom Very difficult and dangerous to apply to him at New York but Some times altogether impracticable.

The Governours being absent for a year & oftener for six months has been the Occasion of great Delays in the Administration of Justice both in Causes depending in Chancery and in those before the Governor and Council on writs of Error to the great impoverishing of the parties who there seek right to have been necessitated in order to Expedite their business to consent to hearings in Chancery at the City of New York where at a great Expence and loss of time they have attended with their Council for that purpose and in cases of appeals by writs of Error which lye before the Governour and Council has been in this Province so seldom is a means of protracting those causes to Such an Fxtraordinary length as almost amounts to a deny-all of Justice and renders the Judgment on which such appeals are Brought in a manner altogether in-Effectu al.

The Governours Residence in the Province of New

York and Expending in that place the Sallary raised by this Province gives a great discouragement to the raising the necessary Support of the Government the Inhabitants Conceiving they are not without an equitable pretence that the Money raised by them Should circulate in this Province and not be exported to another this they Account in some measure detrimentall to their trade which being but Small is the less able to bear any discouragement.

Sir as his Majesty is the Common parent of all his Subjects who are how farr soever remote from his Royall person Equally the Objects of his Care and Tenderness so we flatter ourselves that when he is informed how inconvenient and detrimentall it is to this Province how prejudiciall to his Service to have the Person Governour of New Jersey that is Governour of New York his Royall Goodness will be induced to Commissionate Some person to be Governor of this Province different and distinct from the person that is to be Governor of New York & we pray that you would be pleased to lay before one of his Majestys Principall Secretaries of State what has been said to you on this head by Sir

Your very humble Servants

Perth Amboy July 18th 1731

John Anderson
John Hamilton
John Parker.
John Johnstone, Jr.
Peter Bard
Ja Smith

From the Lords of Trade to Governor Montgomerie—about certain acts of the Assembly of New Jersey.

[From N. Y. Col. Docts., Vol. V, p. 922.]

To Coll: Montgomerie

Sir [Extract.]

* * * * * * We have considered all that you have urged in your several letters about the paper currency in New Jersey, for breaking in upon the Interest, but, we must observe to you, that had not the Assembly inserted so many prudent and cautious provisions in the Act which created 40,000£ in paper currency, both for sinking the Bills, and for preventing deficiencies, we would have immediately laid that Act before his Maj[ty] to be repealed; and as it was upon the faith of these provisions, which we judged effectual, that we have left the Act lye by, it is not to be imagined, We can give up any one of them, and no prejudice can happen to the Province if these Bills, by the due application of the Interest, should be sunk in less time than that allowed by the Act for their currency.

As to what you mention concerning the presence of the Assembly being requisite at the sinking of these Interest Bills, wherein, they refuse to assist, and that therefore they must lye useless in the Treasurer's hands, till the Act expires; it is an inconvenience that arises from their disobedience to a provision in the Law, and they must be answerable for the consequence.

Having therefore often desired you would propose to the Assembly the passing an Act to repeal that entituled: "An act for appropriating a part of the Interest money paid into the "Treasury by virtue of a

law of this Province, to the incidental charges of this Governm^{t}, and "for subjecting the residue to future appropriations." As we find the Assembly do not think proper to comply therewith, we have laid this last Act before His Maj^{ty} for his disallowance.

The act last past for creating 20,000£ more in paper Bills, now lies before M^{r} Fane, one of His Maj^{tys} Council, for his opinion thereupon in point of Law, and as the same can not take place without His Maj^{tys} Royal confirmation, we shall have reason to be cautious, how we lay that Act before his Majesty for that purpose; considering how ready your Assembly are, to break into their own appropriations. Se we bid you heartily farewell, and are Your very loving friends

and humble servants

T. PELHAM.
M. BLADEN
J. BRUDENELL.

Whitehall
July the 21st 1731.

Richard Partridge, Agent for New Jersey, to the Duke of Newcastle—relating to the desire of the of the people of New Jersey for a separate Governor.

[From P. R. O. America and West Indies, Vol. XII, p. 15 a.]

TO THE DUKE OF NEWCASTLE.

Since the Death of Col^{o} Montgomery late Gov^{r} of N. York & N. Jersie the People of the latter Province have represented to their President there (besides there Address to the King before.) the great desire they have for a Separate and distinct Govern^{t} to themselves & the great inconveniency of being under the Governour of N. York alledging their reasons for it in an Address to the said Presid^{t} a copy whereof I am advised from thence they have lately transmitted thee.

Wherein they say that the Gen^{ll} Propriet^{rs} who were greatly interested in the Property of the Soile of that Province did upon surrender of the Governm^{t} to the Crown in the Year 1702 Conceive they were in some measure intituled to have a Gov^{r} appointed over this Province distinct from the P'son that was to be Governour of N. York & the making the Same P'son Governour that was also Gov^{r} of N: York being destructive of their Intrest they Understood that a distinct Governour was to be appointed & flattered themselves with the hopes of it.

Wherefore (as I apprehend it my duty) I could do no less than humbly to request in behalf of the said People that the matter may be so represented to the King as that he could be pleased to Gratifie them therein by appointing a seperate Governour over the said Province of New Jersie which will tend to the encouragement of their Trade, to their satisfaction and Tranquilities—w^{ch} is submitted by

RICH^{D} PARTRIDGE
Agent for y^{e} said Province
London 7^{ber} 15th 1731. of New Jersie

Memorial of Richard Partridge to the Lords of Trade—relating to bills referred for the King's approval.

[From P. R. O. B. T., New Jersey. Vol. III, E, 64.]

Memorial from M^{r} Partridge agent for y^{e} Province of New Jersey, praying that several Acts pass'd there may be laid before y^{e} King for confirmation.

To the Lords Commiss^{rs} for Trade & Plantations

The Lords of Comittee of the Council having been pleased to referr to you my Petition to the King

relating to several New Jersie Acts which I prayd might have the Royal Assent and confirmation perticularly that—

To enable the Inhabitants of the said Colony to Support their Governour, discharge their engagements in the Loan office and for releiving their other necessities by making Currant Twenty Thousand pounds in Bills of Credit which Act was not to be in force till it has had the Royal Assent—

Wherefore I humbly intreat you would please to report upon the said Acts pursuant to the order of Referrence.

I have yesterday received again advice from the Speaker of that Province that they are much in want of the above-mentioned Act for emitting a paper Currantsy: Their Province is Scituated between New York and Pensilvania and their Paper mony being Currant in each, occasions the dispersing it through the whole and it's scarce a third part of it continues in their Province so that they found £40,000, was full little enough to maintain a Currantsey and carry on a Trade, much the greater part of which (as they write) is now sunk and the Act which raised it requiring that those who Borrowed it should pay it in again in the Same Specie, put the Borrowers under very great difficulties to procure it, and those difficulties will yearly Augment by the sinking of the said Bills—therefore as well for carrying on our Comerce with their Neighbours maintaining a trade among themselves as to discharge their engagements in the Loan offices a further quantity of mony seems absolutely necessary.—all w^{ch} is humbly Submitted

P^{r} Rich^{d} Partridge

London the of 7^{ber} 1731

Memorial from the Felt Makers Company to the Lords of Trade—asking that the inhabitants of the Plantations be required to wear hats made in Great Britain.

[From P. R. O. B. T. Plantations General, Vol. IX, M, 32.]

To the Right Honourable the Lords Commissioners for Trade and Plantations

The humble Memorial of the Master Wardens and Assistants of the Company of Feltmakers of London in behalf of themselves and all the Hatmakers of Great Brittain[1]

Most humbly Sheweth

That the making of Hats hath arrived to the greatest Perfection in Great Brittain And as Trade hath been by them with Great Diligence and Expence Settled with the Inhabitants of the Plantations in America who have heretofore been solely Supplyed with Hats from hence in Exchange for Beavor Skins and other the Produce of the said Plantations.

That the Inhabitants of the said Plantac'ons having Beavor and Provisions considerably Cheaper than in Great Brittain (not being Chargeable with Custom

[1] Under date of Dec. 18th, 1732, Gov. Cosby wrote to the Lords of Trade from New York: "The Inhabitants here are more lazy and unactive than the world generally supposes, and their manufacture extends no farther than what is consumed in their own familys, a few coarse Lindsey Woolseys for cloathing, and linen for their own wear. The hatt makeing trade here seemed to promise to make the greatest advances to the prejudice of Great Brittain, but that the Parliament having already taken into consideration, needs no more mention. Whatever now springs up that may in the least affect and prejudice the Trade or Navigation of Great Brittain shall be narrowly inspected and annual returns of Your Lord'pps Queries constantly sent."—N. Y. Col. Docts., Vol. V, p. 938. About this period a hat manufactory was established in New Jersey.—Ed.

Freight or Hazard of the Seas) hath Induced them to Set up the Manufacture of making Beavor Hats and to neglect the Business in which they might be more beneficial to this Kingdom And thereby better Answer the End of Settling the said Plantations And in Order to bring the Hatmaking into greater Perfeccon there they have procured many of the Artificers of Great Brittain to go to the said Plantations to whom they give Great Rewards And the Persons Setting up the Trade there take many apprentices for Two Years only and have large sumes of money with them to learne them their said Art

That by reason of the Duty of about Six Pence per Skin paid in Great Brittain and of Freight and other Charges the Inhabitants of the said Plantations are enabled to Serve the Foreign Markets & even send over hats to great Brittain cheaper than the Hatmakers can make them by means whereof the said Trade of hatmaking in Great Brittain now does and will daily decline And the Navigac'on rendred useless as to the Importation of such of the Produce of the said Plantac'ons as were usually sent in Trade for Hats and the making of Hats with Coney Wool will be extreamly Lessened and several lands in Great Brittain rendred of little of no Value and the whole Manufactur of Hatmaking in this Kingdom in Danger of being further greatly depressed To the Impoverishment of many Poor Familys whose Livelihood depends thereon.

Wherefore it is humbly proposed That the Inhabitants of the said Plantations may be prevented from Wearing or Vending any Hats Save what are of the Manufacture of Great Brittain which will Increase the Customs and Navigac'on and set to work great Numbers of Poor Familys and enable the Hatmakers to revive their said Declining Trade.



Memorial of Thomas Coram to the Lords of Trade— against any laws affecting prejudicially the Trade, Manufactures and Navigation of the Kingdom.

[From P. R. O. B. T. Plantations General, Vol. IX, M, 31.]

To the R^t^ Hon^ble^ the Lords Commissioners For Trade & Plantations

The Memorial of Thomas Coram most humbley Sheweth

That your memorialist most humbley conceives from the humble Address of the Hon^ble^ the house of Commons on the 5^th^ of May last to The King That He would be Graceously pleased to give Directions to Your Lordships to prepare a Reprentation to be laid before that Hon^ble^ House in this Session of Parliamen^t^ of the State of His Majestys Colonys & Plantations in America with respect to any Laws made, Manufactures Set up & Trade caryd on there, which may affect the Trade, Navigation and Manufactures of this Kingdome. That every good Subject who has observed anything in the said Plantations which he believes is, or may in time become hurtfull to the Trade Navigation & Manufactures of Great Britain, is in duty bond to lay the same before this R^t^ Hon^ble^ Board, especially since he finds your Lordships ready to receive any Memorial for the real advantage of the British Trade & Navigation Wherefore he prays to Say

That the British Plantations in America may by some good Law or Laws to be made for that Purpose, be render'd much more usefull & advantageous to, and more im'ediatly depending on, Great Britain than hither to they have been, By effectually hindering the Colonies falling into our Manufactures especially such as are the Staple of this Kingdome, And encourage them to Supply us as much as they can with such

Comodities as we are Necessitated to purchase from foreigners with our Money.

That great Quantitys of Woolen Manufacturs are now made in most of the Northern Plantations, which must in Time, if not prevented grow extreamly prejudicial to the Manufactures of Great Britain.

Hats are already made in such quantitys in the said Plantations that they Export them; and the Importation of Bever Wool from thence is very much Declined.

Shoes are also made there with the Leather of their own Tanning; in Great aboundance, whereby the advantages of Tanning as well as that of the Manufacturing y^e^ Shoes are lost to this Kingdome. And Several other Manufacturs Set up in the said Plantations.

That if those Manufactures are permitted to go on for some years, it will be very difficult and may be thought a hardship to Suppress them when very great Numbers of hands are employd therein, Whereas they are now but in their Infancy and may be easily restrained, or if thought proper, totally prohibited without prejudice to them tho much to the advantage of this Kingdome

That the Consumption of Linnen of alsorts in all the Plantations is Amazingly Great, and is Supposed Vastly to Exceed the Value of all the Woolen Goods Exported thither And all such linnen (except some very Triffle) is the Manufacture of Germany & other foreign Countrys, and so Consequently at the exportation of it from hence to the Plantations, Draws back Most of the Dutys or Customs paid here at the Importation thereof. The Consequence is, that the Revenue is so much Lessend as the said Linnen Draws Back And that the Inhabitants of the Plantations have such goods much Cheaper than the Inhabitants of this Kingdome who even Bear the Burthen & Charge of Protecting the Plantations

It is therefore most humbly proposd to yo^r^ Lordships

That no Drawback of Customes be allowed on any foreign Linnen Exported to the Plantations, which will considerably encrease the Revenue, and promote the Exportation of British & Irish Linnen, and which may be a Means of encouraging the Inhabitants of Irland to keep at home and be Industreous at their own Manufactures, Doubtless some of the Merchants or Colonys Agents (in favour of their friends in the Plantations) would Squeakeout against this, as they did against the Ropemakers Bill in the later part of Queen Anne' Reigne, When the English Ropemakers by their Petition to the Parliament, Prayed for a Law to prevent the Drawback of any Customes paid on Importation of foreigne Cordage, from being allowed on Exportation to the Plantations, to Which vast quantetys of Dutch & other Foreigne Cordage had been Constantly Exported for the use of Great numbers of Ships built there & Coming there, But the Parliament Saw fit to pass that Bill into a Law, which is greatly to the Benefit of the British Ropemakers, And has thereby encreased the Revenue so much as the Customes of the Hemp & Tar for the making such quantities of Cordage amounts to, And no manner of Evil has accrued thereby, Nither would (as this Memorialist humbley conceive) any Inconveniency arise by taking off the Drawback of Customes on all such Linnen as shall be Exported to the said Plantations

That several Sorts of East India Goods are prohibited to be worn in Great Britain, to encourage our own Manufactures Such goods pay but a small duty at Importation, being all Sent abroad again, Great Quanteties of Which are Exported to the British Plantations where they come Excessive Cheape, and so Consequently interrupt the Consumption of several British Manufactures, For Remedy whereof it is humbly Concievd

That some Reasonable duty should be laid on all such East India goods Sent to the Plantations, as may bring them on an Equality at least, with the like Goods manufactured in Great Britain.

That as to other East India Goods and all other Goods Whatsoever of foreigne Growth & Manufacture, there seems no manner of Necessity that the dutys Which are paid here at Importation should be drawn back again when such goods are Exported to our Plantations, for by that Means those Goods comes Cheaper to the Inhabitants there than to the Inhabitants of Great Britain, Which encourages the Consumption of them, Lessens the Revenue and Discourages some of our own Manufactures.

That the Plantations can have no just Reason to Complain of some Regulation like this, since it only puts them on an Equal footing with this their Mother Country, For the freight or Carryage of a Tun of Goods from Great Britain Thither is Generally much Less than the Land Carryage of the like Goods from any of our Sea Ports to any of the Midland Countys of this Kingdome.

The Iland of Jamaica has sometimes had a Trade with the Spainish Plantations, But for what Quantetys of Drawback goods, may best appear by the Collectors Books return'd to the Com^{rs} of the Customes here; Til that be known, it cannot be guess'd what prejudice the not allowing Drawbacks, may be to their Trade, and if any, it may be provided against, But the rest of the Plantations can have no such p^{r}tence, What they Import being only for their own Consumption.

That if the Northern Colonys should think it hard to be restrained or prohibited their Manufactures of Woolen, Hatts, Shoes, Linnen &c. Your Memorialist humbly conceives it would be advantageous to the Publick for to allow them Some ample Equivolent by giving them

some further encouragement to fall on heartily on Raising Hemp & Divers other Comoditys, which we purchas from Foreigners, for a Short Term of years, and to permit their Whale Firrs: & Oyle to be Imported here upon the same footing as from Greenland which would encourage them much to Improve their Fishery & be acceptable to the Merchants in the said Colonys and much to the benefit of Great Britain.

And Whereas the Government has at the Publick Expence purches'd the Province of Carolina with all the arrears of Quitrent, of the Proprietors, and as there are at p^r^sent near a Million & half of acres of the Land Patented out under a Quitrent of 12 pence for every hundred Acres, but the Inhabitants having paid no Quitrent for about 20 years or More past It may be therefore reasonable to Suppose That this Great arrear of Quitrent is to be forgiven (which doubtless must be the Case for the Inhabitants will never be able to pay it) That Then the future Quitrent may be Established upon such footing as your L^d^ships shall judge Equitable to advise his Majesty to, with a due Regard for the Cercumstance of the Province. Would it not therefore be worthy yo^r^ Lordships Consideration That the said future Quitrent should absolutely be paid in Hemp fit for the use of His Majestys Navy, to Proper Officers to be appointed to receive it for that Purpose, And such of it as should not be applyd for that Service, to be Sold there for the Defreying the Expence of Building Forts &c. for the Defence of the Province Which is humbly Conceivd would be as acceptable to the Inhabitants as usefull to the Crowne, since it would bring them into the way of Raysing & producing hemp which would Cost them Nothing but Labour, The Quitrent to be reasonable not above one quarter of a hundred weight of Good Hemp for every one hundred Acres which would be easy to them and might be raised by their own home Negros Servants without

any hinderance to their Famely buseness. And that not any of the said Quit-rent, to be applyd for any other use, nor be paid in Money on any p'tence whatever least it should fall or be sunk by any voracious Governor, Whereby Nither the Crowne nor the Publick (who have been at the Expence of purchasing the Province) nor the Province itself would have any benefit thereby; This would put the Inhabitants there on raising hemp which they have not hitherto been prevailed on to Attempt, notwithstanding the encouragement given by Parliament Anno Dom 1704 which is Still Subsisting, And this would for ever prevent the Russians from Injuring this Kingdome with Respect to their Hemp, As the Sweds did by their Tar & Pitch before the said encouragement was given by Parliament for Importing Hemp, Tar & Pitch &c. from our own Plantations They the Sweds Prohibited any Tar & Pitch from being Exportd but in Sweds Ships and otherwise raised those Comodeties to a very Extreordinary & Exorbitant high Price here, in the begining of the Reigne of Queen Ann.

There is Annually Importd from the Dominions of Russia from 5000 to 8000 Tunns of Hemp, purchasd with our money beside what is had from Poland by way of Dantzick & Coningsburgh and from other Countrys, so that if the Raising—Hemp were duely promotd, and some few foreigne Protestants of Divers Nations & Countrys, were well encouraged to settle in Carolina They would quickly draw over to them from each their perticular Country, more of their friends & would soon become a most Noble Popelous & beneficial Country, Greatly advantageous to the Crowne, By Draining of the Inhabitants from foreigne Countrys, without any Considerable Expence to this Kingdome, But greatly to its Advantage, by the Increase of Trade, Navigation His Majesty's Customes & otherwise

All which is most humbly p^r^sented to your Lordships Consideration And if any thing can be found herein worthy of it, the same will be great Satisfaction to

R^t^ Hon^bl^e Lords your Lordships
memorialist & most obedient Ser^t^
THOMAS CORAM

London 17^th^ January 1731-2

President Morris to the Duke of Newcastle—in relation to the separate Government for New Jersey.

[From P. R. O. America and West Indies, Vol. 12, p. 19.]

New Jersie June 2^d^ 1732.

My Lord.

Upon the death of Governour Montgomerie I transmitted to Your Grace an Account of it from New Jersie with an addresse that was made to me by the Councill there, what I then wrote to your Grace was Communicated to the Councill which I did to remove any umbrage of Suspition they might possibly have had, that I was not altogether so sanguine on the Account of a seperate Governour as themselves.—it is very true that a separate Governour is the warm desire of the greatest part of the people; but it is as true that many are indifferent about it; and those of the inhabitants in the neighbourhood of New York (which are not inconsiderable) I believe are against it, and many of them would rather choose to be anexed to New York then to be as they are.—The foundation for trade in this Province is of the same nature with that of New York, but the produce it yields is chiefly sent to New York and Pennsylvania in return for the goods they are supply'd with from those places.—They ship off some wheat & Pipe staves to forreigne markets;

and this is owing to an act of the Assembly here that layes a great duty upon those commodoties if carried to any of the neighbouring plantations; but this wheat &c[a] is chiefly bought by the inhabitants of New York who send their Ships down to Jersie to load for y[e] transportation of it to forreign markets the inhabitants of New Jersie not being as yet capable of doing of it themselves; but think if they had a governour of their own seperate from that of New York many of the merchants of New York and Pensilvania would be lay'd under a sort of necessity to come and dwell among them.—what that may do I cannot tell; but at present new York and Pensilvania has much the advantage of them with respect to Trade; and how farre it may be consistant with his Mties service to Indulge them in their desires of a distinct governour is what I dare not take the liberty of giving any Opinion of without his Majesties expresse command.—I believe the persons appointed governours of New York have when in London thought the addition of the government of New Jersie of much more Vallue then they have foun[d] it to be in America; the Expenses of their attending on it generally Amounting to as much of the proffits arising from it, and sometimes more; of which I have heard M[r] Montgomerie complaine with some Acrimony.—The rendring governors and all other officers intirely dependant on the people is the generall inclination and endeavour of all the plantations in America, and nowhere pursued with more Steadinesse and less decency than in New Jersie, and were they Indulg'd with a seperate governour before they had made propper provision for his support and that of the officers of the government he must be a man of Verry uncommon abillities who will be capable of working them up to their duty.—The Province is divided into two Divisions the Easterne and the Westerne each of which while under the Proprietors was a distinct gov-

ernment, and would be so againe were the inhabitants to model it according to their own inclinations but in neither of these is there any house set apart for the governours reception nor no place but an Inn or tavern for him to be in. Each of the divisions are desirous of fixing the governours residence among them which may possibly be attended with A Suitable provision in both of them: but it is not unlikely that to defeat each other, there may be no provision in either; and the present inconveniency of the want of a house continue long enough to render a Governour not a little uneasie. —The gentlemen of his Majesties Councill live verry remote from each other and most of them from either of the Capitals (which consist of about two hundred houses each taking some out houses into the Account) and the Assembly could never be prevail'd on to make any provision for the Expences of their meeting unlesse at such times when they attended the meeting of an assembly and even then but five shillings this money (which is about three shillings and four pence sterling P Diem; so that it is allmost impracticable, to get a sufficient number of them together.

There are two of them dead viz John Hugg of the western division who dyed before Mr Montgomerie, and John Johnstone of the the Eastern Division who dyed since; one almost Superanuated viz John Wells of the western Division. I know not what names Mr Montgomerie has recomended—but I presume to transmit the following to your Grace Viz.

FOR THE WESTERN DIVISION.

Thomas Lambert a quaker he has a verry good estate in that Division and is a leading man among those people.

John Allen a church man has been a member of their assemblys is a man of interest among them is

well affected to the Present Establishment—of good temper and has alwaies been instrumentall in the service of the Government.—JOHN RODMAN a quaker a man of good temper of a good estate in Jersie and Pensilvania and generally well esteemed both by quakers and others.

MAHLON STACY[1] a quaker has been a member of their assembly & has a good estate and interest among the quakers, but has shewn some inclinations to popularity w^ch being in the Councill may either take off or apply to its propper use.

JOHN DAGWORTHY. he is an honest bold man and well affected to the Government, is of the church of England a thriving man and at present high Sherrif of the country in which he lives.

RICHARD SMITH a Quaker has a good Estate and Esteem'd a quiet inoffensive person—of these I believe M^r Montgomerie inclined to reccomend Rodman in the roome of Hugg deceased.

FOR THE EASTERN DIVISION.

RICHARD ASHFIELD a church man one of the generall proprietors of the soile at present an Inhabitant of New York.

ANDREW JOHNSTON[2] a church man an inhabitant of

[1] Autograph of Mahlon Stacy.



[2] 

was born in Perth Amboy in 1694 and early in life was engaged in mercantile business in New York. He was a son of Dr. John Johnstone and inherited most of his father's proprietary rights, leading to his becoming at one time President of the Board of Proprietors. He succeeded his father as representative in the Provincial Assembly from Perth Amboy in 1730, and like him was speaker for several sessions. In January 1749 he was chosen Treasurer of the College of New Jer-

Perth Amboy he is a merchant, brother to John Johnston the councell[r] lately dead is A modest good man and declines all publick Employ.

William Provoost of the dutch Church A merchant, one of the Councill of New York lives sometimes at New York but chiefly resides at his seat in New Jersie.—Perhaps the greatest part of the inhabitants of New Jersie (were they to be consulted in this case) would not incline, to have any person concern'd in their councills y[t] has any interest in New York; but, since the Assemblies are not without strong inclinations, and have not been wanting in their Endeavours to Cramp the trade of New York; I most humbly Submit it to his Majesties Judgement whether it be prejudiciall to his service, to have such persons who have some interest in New York, or A considerable interest in both Provinces to be in the Councill of New Jersie, as a means to prevent any unreasonable Endeavours against the trade of New York from having their desired Effect; it being sometimes not verry convenient for A governor, to dissent to Laws he may dislike.

John Schuyler of the Dutch Church he is a person of A good Estate son to that Schuyler who own'd the copper mine and one of the three to whom the mine was devised by the father.

Henry Leonard a church man, his father was named of the Councill on the Surrend[r] of the govern-

sey, then located at Newark, and held during his life various other offices. He died June 24th, 1762, in his sixty-seventh year, then being one of the Governor's Council. The historian Smith describes him as having "great equality of temper, circumspection of conduct, an open, yet grave, engaging mien, much goodness of heart and many virtues both public and private," and the New York Mercury on noticing his death pronounced him to be "a gentleman of so fair and worthy a character, that truly to attempt to draw it would be throwing away words." A pencil sketch of him by John Watson, the old Amboy artist, is in the possession of the editor. He married Catharine, daughter of Stephanus Van Cortland, of New York, by whom he had two sons and six daughters.—See Contributions to the Early History of Perth Amboy.—Ed.

ment but dyed before the Queens letters patent arived: he is a man of a good Estate and well affected to the present government.—Gabriel Stelle a church man A merchant of A good landed Estate and well affected to the Government, as are all that I have named.—if I might presume to reccomend any one of these now named for the Eastern Division to succeed in the place of the deceased Councellor Johnston it should be Richard Ashfield the person first named, because being one of the Generall Propriet'rs of the Soile one full 24th part or share of the Eastern Division belonging to him he Seems something more Entituled to a Share in the Government than any of the rest named, but this is offered with the utmost Submission.—The Militia of this Province is in a verry bad Condition, the late Act for the Setlement of it makes the penalties for not appearing in Arms so Small, that people choose to pay them rather than appeare, & the Inhabitants here Seem so little fond of Millitary honour that I can hardly find A man willing to take a millitary Commission and the Secretary tells me there are Severall bundles of them lying in the Office made out by Mr Montgomerie which remain'd there during his time because the persons named would not take them out.

I have been told (but how truly I know not) that I am under obligations to your Grace for expressing a willingness to reccommend me to his Majestie for the Government of this Province, in case he had thought fit to appoint a person distinct from the Governour of New York for that Post.—Tho' I had not Vanity to hope any such favour, nor ambition Enough to put me upon asking for it—Yet (which I believe your Grace is unacquainted with) the late Queen Anne was pleas'd to think I had Some Small share of Merrit; having at my own no small Expence in the last of King Williams reigne undertaken a Voyage to England to prevaile on the Proprietors there, as I had on those here, to be

willing to Surrender their Government: which was attended with the desired Successe this government being Surrendred to her Majestie on her Accession to the Crown, but, I having left England soon after the Surrender, her majesties kind intentions towards me, were diverted by the much Superior Interest of the then Earle of Rochester, in favour of his Nephew the Lord Cornbury, afterwards Earle of Clarendar, to whom was sent letters Patent to new Yorke (of w^{ch} he was then Governour) for the Government of New Jersie.—As I had no farther Views than the complating of that Surrender, what hapned prov'd no disappointment to me: and her Majesties intended favours engaged me by Affection as well as duty to do all the little in my Power for her Service.

With this comes what Minutes of Councill the Clerk had Coppyed and I am not without hopes that his majestie will be graciously pleased to Approve of my Conduct being done with a View of Promoting the publick good and his Majesties service which shall allways be the Endeavour of

May it please your Grace his Majesties
faithfull Subject, and Your Graces most
humble and most Obedient Servant
LEWIS MORRIS.

From Governor Cosby[1] *to the Duke of Newcastle.*

[From N. Y. Col. Docts., Vol. V, p. 936.]

New York Oct^{br} y^{e} 26th 1732

My Lord,

I have y^{e} honour to acquainte your Grace that M^{r} Smith Secretary of y^{e} Jarsys dyed last Tuesday was

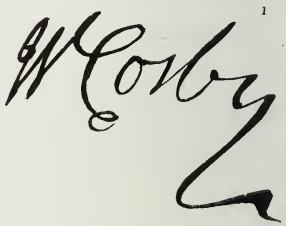
[1] Colonel Wm. Cosby was appointed Governor of New York and New Jersey on the death of Gov. Montgomerie, a draft of his commission being submitted for the approval of the king by the Lords of Trade, February 4th, 1732.—N. Y. Col. Docts., Vol. V, pp. 932, 936.—ED.

seven[t] this is reckoned one of y[e] most considerable places belonging to these Provinces; & yett brings inn noe more than 450£ a year, supposeing that the possesor it was to doe y[e] duty himself, which y[e] deseased Gent[man] never did notwithstanding he had it for above fifteen years, it was executed by two deputies, one for the East division and y[e] other for West, the Secretary himself generally living at Philadelfia, so that y[e] place was to him a sinecure. In this way the Deputys gave him suffitient security, that of y[e] East paid him 80″ a year, & that of y[e] West payd him, 180″ a year, which all in sterling money makes about, 170″, I have a very good Character of the Deputys, therefore have continued them upon y[e] same footing under my son Billy whom I have named, untill farther orders from your Grace, not doubting but that out of your wanted goodness and indulgent care of us your Grace will further be so kind as to give it to him; besides it will give me a little more power in that Province then I had which I doe assure your Grace is greatly wanting to Governers in these parts, for y[e] Secretarys and their Deputys think themselves intirely independent of y[e] Governers and allmost act accordingly which is a very great hindrance to y[e] King's affairs, (I doe not spake as to myself for I make y[e] right use of M[r] Clarke he is my first minister) espetially at this time, since I am sorry to inform your Grace, that y[e] example and spirit of the Boston people begins to spread amongst these Colonys In a most prodigious maner, I had more trouble to manige these people then I could have imagined, however for this time I have done pritty well with them; I wish I may come off as well with them of y[e] Jarsys.

My Lord Augustus is with me, he is of all y[e] young people that I have seen the most agreeable and unaffected with y[e] finest notions of honesty and honour backed with a most excelant usefull understanding,

and if I mistake not will turn out a very clever man. Grace' and the little family joyns in their humble service to your Grace and the Duches, I have sent My Lady Duc[hes] a live beaver, it will eat frute or roots of any kinde, it must be keept near y^e^ round or square ponds.

I am My Lord
Your Grace most obliged and faithful servant

[1]

I beg my service to Miss Betty.

From Governor Cosby to the Duke of Newcastle—referring to changes in the Council of New York.

[From N. Y. Col. Docts., Vol. V, p. 940.]

New York Dec^r^ 18^th^ 1732.

My Lord,

I could not before this time do myself the honour to transmitt to Your Grace a particular account of the affairs of these Provinces, now I have been here above four months, in which time I have made it my greatest pleasure as I know it is my Duty to enquire strictly into every circumstance that may any ways contribute to the honour of the Brittish Nation, the good and

[1] To what influence William Cosby owed his appointment is not known. He had been Governor of the island of Minorca, and entered upon his duties in America suffering from the stigma of a maladministration of affairs there. He arrived at New York in September, 1732, and his career, though brief (as he died March 10th, 1736), was long enough to make the people inimical to him.—See Smith's New York; N. Y. Colonial Docts., etc.—Ed.

safety of Trade in Generall, and welfare of these Provinces, which by your Grace's goodness to me, I have the honour to command.

What principally occurs att present to trouble your Grace with, is an alteration and filling up some vacancys in the Councils both in the Provinces of New York and Jersey's, which I beg leave to reccomend to your Grace's Consideration.

In the Province of New York there is one vacancy by the death of M^r^ Robert Walters which I pray your Grace may be supply'd by Henry Lane, Esq^r^, a Gentlemen who was fix'd upon to be reccomended to succeed him by the late Governour just before his death, and whom I find since my acquaintance with him in all respects qualified, if a plentiful fortune, good sence, and loyalty to His Majesty, will render him acceptable.

There is also one M^r^ William Provoost who is one of the Council here, and to whom I am so far from having any objection, that I should be very sorry to part with him, were he not to hope for your Grace's favour to transfer him to the Council in the Jersey's where there are four vacancys, into which Province he and his Family are Lately removed, and where his estate and fortune lyes, in his room I pray that your Grace would be so good to appoint Daniell Horsmanden Esq^r^ a gentleman of unaceptionable Merritt, and one whose capacity and integrity I am well sattisfyed I can depend, and who indeed was recommended to your Grace by M^r^ Perry one of the London Members, before I came here: But

There is one James Alexander who I found here both in New York & Jerseys Councils, tho: very unfitt to sitt in either, or indeed to act in any other capacity where His Majesty's honour and interest are concerned, he is the only man that has given me any uneasiness since my arrival, and during the President

Van Dams administration sway'd him in every thing that was irregular, and since has clog'd and perplex'd every thing with difficultys that related to the Crown, In that his known very bad character, would be to long to trouble your Grace with particulars, and stuff'd with such tricks and opressions to gross for your Grace to hear; in his room I desire the favour of your Grace, to appoint Joseph Warrell Esq^{r} one who was so well recomended to me by Lord Malpas, before I left England that there is little more for me to say in his behalf that since my acquaintance with him his behaviour has in every particular confirmed the Character given by his Lordship, and one whom I can venture to answer for to your Grace; as to the other three vacancies in the Jerseys I must beg your Grace will excuse my recomendation of any one till I go their my self to meet the Assembly, which will be early in the spring, being not very well satisfied with those already spoke of to me, and than will make the utmost enquiry, that I may be able to nominate proper persons to your Grace;

On the removal of M^{r} James Alexander from the Council of New York Province I heartily recommend Cap^{t} William Dick Esq^{r}, one of the Captains of the four independent Companies here, besides his personal merrit I conceive it highly necessary (with great Submission) that a Gentleman of that Station should have the honour of makeing one of the Council, especially in this Province, their assistance in the particular knowledge of Military affairs being very often wanted, and I know not any one so capable as the Gentlemen I last mentioned, I have had long experience of his good character and he still retains it wherever he is known, and has a good fortune in the Country & a favourite of my Lord Stanhope in Spain.

I can assure your Grace, I have no other motives in recomending these gentlemen but that I am well con-

vinced as well by personal observation, as the best information I can make my self master of, that they are every one of them men of Probity, Loyalty, Great Fortune and interest in the Country, and indeed every way qualified to serve their King & Country. I must beg leave to observe to your Grace that the present vacancys (with the remove of M^{r} Alexander which I flatter my self your Grace will think necessary to be done) render the number of Councellors in both Provinces very thin, and as many of them live very remote and some very old, tis with some difficulty I gett a Council to attend to carry on the Kings necessary affairs, So that I pray your Grace to endulge me with your first leisure in appointing the above gentlemen and shall with great pleasure wait your Graces approbation by letter, as I shall have the honour of all your Grace's commands. * * * * * *

I am My Lord with all y^{e} Gratitude
and respect Imaginable Your Graces most obliged
and faithfull hum^{ble} servant
W. Cosby.

From Governor Cosby to Under-Secretary De LaFaye —relating to the removal of James Alexander from the Council of New Jersey.

[From N. Y. Col. Docts., Vol. V, p. 942.]

New York Dec. Y^{e} 18th 1732

D^{r} S^{r}

The enclosed is an acc^{t} for my Lord Duke, of what has occur'd to me in relation to the affairs of both Provinces since my arrival to this place, with some changes in the Councils which I desire and must beg your care and friendship in getting them done and forwarded, now I must say something for myself, and beg your forgiveness for not writeing since my arrival to this place, the hurry I was in was the occasion of my not

acknowledgeing the many obligations I have to you from the civilitys you showed me before I left England, I flatter myself that from the long Friendship and acquaintance that has been between us for so many years, will I do not doubt entitle me to the continuance of favour, without my begging it att this time of day, therefore I shall sometimes trouble you with my letters, I must particularly recomend to you the removing M^r^ Alexander, who is in the Council in the Jerseys as well as this place, I must beg leave to be more particular to you in his Character than I have been in his Grace's letter, in the first place he is very obnoxious to most in the Council, as well as to every honest man in both Provinces, having y^e^ Character of a very tricking dishonest man, therefore very unfitt to sitt in the King's Councills, I enquired of severall Gentlemen how he came here, they said he was a schoolmaster on board of one of His Majesty's ships and was turned out for being a Jacobite, came here and married a widdow with some money, turn'd Lawyer and by his tricks and oppressions has made his fortune upon the ruin of many an honest poor Body, this is the Character of the Man, therefore the removing of him would be very aggreeable to the people of this Country, as well as to the ease of carrying on His Majesty's affairs, I am extreamly pleased with your Nephew he is a very pretty fellow and we are very well together, and he is a great favourite with us, I am to do something essential for him and his sister Phanney in giving them some tracts of Land, which I will do very chearfully, and with a great deal of pleasure, I desire my service to M^r^ Crow and M^r^ Forbes, my wife and Family gives their service to M^rs^ Delafay, I also desire mine, wishing you health and all manner of prosperity as I am very faithfully D^r^ S^r^

Your very affectionate

& ob^dt^ humb^le^ Servant

To Charles Delafay Esq^r^ W. Cosby.

Letter from James Alexander to John Ferdinand Paris in London.

[From Original Draft in Rutherfurd Collection, Vol. I, p. 158.]

New York March 19th 1732-3

Sir

We begin to feel what you were so kind to acquaint me of that the honble Gentleman now our Governour makes Litle Distinction betwixt power & right, of which he has given Sundry proofs in the Small time he has been here & one of those occasions the trouble of this to you

Our Governour having Obtained an instruction from the King to take half the Salary & perquisites of this Government from the death of our former Govr to his arrival, he to recover it filed an English bill in the King's name in our Supream Court, Supposing it had Cognizance in Equity by virtue of Some words in the Judges Commissions viz *to take Cognizance of all pleas Civil Criminal &* [. . *?* . .] *as fully as the Courts of Kings bench Common pleas & Exchequer at Westminister*, & as the Court of Exchequer at Westminister takes cognizance in Equity therefore it was concluded our Supream Court might, and to make the quicker despatch the Govr with the advice of the Council only made an ordinance for Sitting from time to time in the vacation for Despatch of matters in Equity.

To this bill the President of the Council of this province who is the Defendent pleaded to the Courts Jurisdiction in Equity for that there was neither prescription nor any Legislative act to give it Cognizance

The plea came to hearing on Thursday Last on hearing of which the Chief Justice was of opinion that the Court could not take cognizance of matters in Equity

seing neither prescription nor Legislative act empowered the Court.

The Second Judge was of a Contrary opinion & the third Judge took time to next Court to give his opinion.

The Chief Justice had yesterday a Message from the Governour to be delivered him verbally, but for fear of Mistake the Chief Justice prevailed on the person who Delivered it to write it Down, & Deliver it to him, which he did, & which is very abusive telling him he depended neither upon his Judgment nor integrity & that he was unfitt to Judge in the Kings causes & that his manners were impertinent & a good deal of other Such matter in hard & warm terms

The Chief Justice by name Lewis Morris has for about 20 years past Executed that office with great integrity & Satisfaction to all people, he Enjoying that office now by virtue of his Majesty's order under his Signet & Sign Manual requireing the Governour to grant him a Commission under the great Seal of this province for that office which accordingly was done.

But this Message with other the Governours general behaviour gives the Chief Justice reason Sufficient to Expect that our Governour will Suspend him from his Said office, & will use his interest at home to have Such Suspension approved & to Revoke his Majesty's order aforesaid, or for an order impowering him to appoint Some other person.

Now the Intent of this is to Request of you in his behalf forthwith to take all proper means, that the Said order be not revoked nor no Suspension of him be Confirmed nor new order for the office granted, untill the Chief Justice be heard to Such things as may be Objected to him.

Cap^{t} Mathew Norris Son of Sir John Norris & Cap^{t} Vincent Peirce brother to M^{r} Peirce of the Naval office are both Sons in Law to our Chief Justice, & to whom

he now writes on this occasion & who will pay what moneys you shall have Expended or shall request in this affair, & Join with you in adviseing what further Steps may be proper, but as they both are Captains of men of warr they may possibly be out of town when the Letters to them arrive, & therefore you are Desired to neglect no time of useing all proper preventions of those Designs at once should they be out of town.

Our Chief Justice (Morris) has been for 20 years past also president of the Council of New Jersey, & as I formerly requested your Carefull Eye to prevent what designs might be Ag^{t} him & me as members of that Council, & ag^{t} me as a member of the Council of New York, So I must reiterate the Same request, for we need doubt of no harm that is in our Governours power to do us by himself here or by his interest at home.

I am Sir Your most humble Servant

JA: ALEXANDER.

From Governor Cosby to the Duke of Newcastle—referring to Lewis Morris.

[From P. R. O. B. T. New York, Vol. XIX, E e, 19, and in N. Y. Col. Docts. Vol. V, p. 942.]

Letter from Col. Cosby, Gov^{r} of New York—relating to his having removed M^{r} Morris from being Chief Justice of that Province Recd Novem^{r} 29: 1733

Burlington Duplicate Ap^{ll} 20th 1733

My Lord

On my arrival at New York I found M^{r} Lewis Morris Chief Justice M^{r} James De Lancey Second Judge & M^{r} Fredrick Phillips the third Judge of the Supreme Court of that Province the two last men of good

Characters both as to their understanding and Integrity, but the Chief Justice a man under a Generall dislike not only for his want of probity but for his delay of Justice, his excessive pride & his oppression of the people these things my Lord I have been obliged to hear without the mention of any one vertue in his behalf. I have often expected that he would Come to me as others before him thought it their duty to former Governour's from whence I might have an oppertunity to tell him of these complaints but whether it be oweing to his Pride, his folly, or some unaccountable humour he has not been once to Visit me since I have been here and I have no reason to think that any admonition would have the least Effect upon him or if it would things are come to that pass that I can no longer suffer him to sitt upon that Bench. I will point out a few of his faults, and give an Instance to prove each, that your Grace may see I do not displace without reason and

First, of his partiality, some years ago y^e^ Dissenters of the parish of Jamaica in this province brought an Ejectment against the Church Minister, for the Church he preached in and was posses'd of, when the tryal came on the Def^ts^ Council demured to y^e^ Pl^ts^ Evidence. Morris the Chief Justice desired them to wave the demurrer, telling them that if the Jury found for the Plaintiff he would grant the Def^ts^ a new tryal. the Defendants Council were very unwilling to do it, but however knowing the man, and fearing the worst from him if they refused they did consent, and the Jury found for the Plaintif the Defendants council moved the next term (before Judgement) for a new tryall and urged his promise he denied at first that he gave any but when they offerd to make oath of it he said a rash promise ought not to be kept, and never would grant them a new tryall whereby they lost their Church and the Dissenters have ever since had it, its

talked and believed to, that he was bribed to it, but as I have had no proof offerd me, I have made no inquiry about it his partiality however is evident

Secondly his delay of Justice the complaints of this to are the Subjects of every days discourse in term time especially I will single out one instance onley wherein not onley his delay but likewise his Injustice will appear, one Renselaer brought his Ejectment against another man, which the Lawyers tell me is done on a feigned lease for a term of years, the cause proceeded to issue, and a special verdict was found the points of law were afterwards argued before him att severall times by Councill on both sides after this they expected and moved for Judgement term after term 'till the lease whereon the Ejectment was brought was pretty near expiring then the Pl^{tf} moved that he would either give Judgement or enlarge the time of the lease. But he would do neither, so the lease expired and the Pl^{tif} lost the Benefit of his suit after a tedious attendance and a vast expence.

Thirdly his oppressing the people by giving them a great deal of trouble and putting them to a fruitless expence both of time and money in their attendance on the Courts, the constant method he takes in opening and adjourning the Court he adjourns it to Eight or nine in the morning but seldome opens it till twelve one & two & sometimes three in the afternoon, tho the Jurys and others who have busyness are waiting from the hours adjourned to, not knowing when to expect him, and fearing to be fined if they happen not to be there: these Irregular hours proceed from severall causes, some whereof are his pride in makeing the world wait his leisure and his intemperate drinking in which he often spends whole nights this he does in term time in the town of New York. in the Circuits it is still more intolerable for there these hours of adjournment and sitting are not onley like those but

the people who go forty or fifty miles from their habitations, live at much greater expence and loose more time and sometimes after Jurys have been summoned, witnesses, supened partys attended, and all the Justices of the peace and other officers have gone to the place appointed for holding these Courts, as by an ordinance of Morris's own procuring they are directed and waited there Severall days in expection of the Chief Justice who then alone was to go the Circuits, he has not Come to hold the Court I have heared the demage that one County has sustained by one neglect of holding the Circuit Courts computed at above two hundred pounds to remedy in some measure this grievance the Assembly have since my comeing to the Goverm^{t} given the second Judge a Salary and now both the Chief Justice and second Judge are obliged to go the Circuits or forfeit their Salary besides in some of the Northern Countys he has neglected going the Circuit near four years.

I shall now shew him to your Grace in another light when I had the honour to receive His Majesty's Warrant I sent M Van Dam a copy and made a demand of half the Salary and perquisites from Col^{l} Montgomery's death he having received the whole as I have allready informed your Grace, but finding that I was to expect nothing from him I retained some lawyers who advised me to direct a Suit to be comenced against him in the Kings name in the Equity side of the Exchequer for that the money must be still looked upon as the Kings mony till I actually received it I did so and the Attorney Generall haveing exibited his bill Van Dam pleaded to the Jurisdiction or rather to the very being of y^{e} Court, and then demurred, this the Lawyers thought so extraord^{y} step that they expected the Judges would at first sight have discussed it but the Chief Justice being willing it should be argued the Kings Council in the vacation prepared

themselves to speak to the whole plea but when the day came on which it was to be argued the Chief Justice (without askeing the opinion of the other Judges) directed them to argue onley that part of the plea which struck at the Jurisdiction of the Court in the Equity side of the Exchequer the Kings Council endeavoured to excuse themselves by saying that they had prepared their argument against the whole plea and that what related to that single point was so interspersed with the others, that they Could not then separate them however that would not satisfye him and they were forced to speak thus unprepared the Lawyers for Van Dam were under no Surprise for the Arguments which they had prepared and (according to the Custom here) wrote down were adapted to that single point of the Courts holding pleas in Equity and as if they and Morris had wrote by inspiration they had no sooner done reading the argument; but he pulled out of his pockett a paper to the very same purpose which he had before hand prepared and wrote, containing his opinion against the Jurisdiction of the Court in that point Judge Delancey and Judge Phillips astonished at what they Saw and heard resolved to consider the point throughly and to speak to it as soon as they Could thus ended that day's work. a few days after Judge Delancey in a very handsome manner and as the Kings Councill tell me with much Judgem^{t} gave his opinion that the Court had power to hold pleas in Equity M^{r} Phillips the third Judge was not then ready to give his opinion but on the first day of the ensuing term he deliver'd it on the Same side the question with M^{r} Delancey that the Court had power to hold pleas in Equity so that two of the three Judges concurring, their opinion is the Opinion of the Court; however the next day the Chief Justice comeing to Court (for the day before when M^{r} Phillips delivered his opinion he was not there) he told those two Judges

openly and publickly upon the Bench before a numerous audience that their reasons for their opinions were mean weak and futile, tho he had neither heard or seen Judge Phillips's that they were only his Assistants giving them to understand that their opinions or rather judgements were of no signification but they resented it very Sharply and Insisted of the Force and Justice of their opinions and on their powers and authority as Judges of that Court whereupon the Chief Justice left the Bench saying that by the Grace of God he would sitt no more there when any matters of Equity came before them Morris for many years was in Effect the Sole Judge of that Court for he had onley one Joyned with him and he a merchant but a man of a very mean Capacity as I am told all that time Morris urged the most eminent of the Lawyer's as he does not scruple to say to comence Suits before him in the Equity side of the Exchequer which he declined for no other reason but because he had no Confidence in his integrity for since that second Judge dyed and Mr Delancey and Mr Phillips have been on the Bench he has no scruple. I shall stop here to make a few remarkes on this man's behaviour in Causes between Subject and Subject he has been extreamly dilitory in the cause between the King and Van Dam he has been as hasty in the first cause he asks the youngest Judge and then the Second Judge their opinion but in this of Van Dam's he delivers his own without askeing theirs at all doubtless with an intent to Byass or over awe them Formerly he was for encouraging busyness to be brought before him in the Equity side of the Exchequer but now he deny's the Power of the Court When he was President of the Council of the Jerseys he held a Court of Chancery now he say's there is no such Court:

It would be extreamly difficult to account for these contrary's had he not been President of the Council of

the Jerseys at the time of Montgomeries death and received the whole Salary and perquisites there, but being under the like circumstances with Van Dam he expects the like order, and hopeing by his partiality in Van Dam's case to make that a President in his own the Mystery is disclosed hence it is that the Lawyers believe he has not onley advised the pleas but likewise Van Dam's Council in preparing their argument against the Single point of the Jurisdiction of the Court in matters of Equity and that they likewise saw his opinion before he read it in Court:

Van Dam's Councill notwithstanding Morris's opinion expected that the Court would sustain their power and therefore provided before hand some further exceptions which the offerd as soon as Judge Phillips had delivered his opinion the Substance whereof is that the Governour appearing by the Kings order to be Intrested in the Event of the Cause and it being in his power to displace the Judges this suit ought not to proceed whilst that power Exists to these shifts is Van Dam driven by his Council or rather by Morris Since every one believes he is at the bottom of them the Judges however would not admitt of the exceptions and I think they so palpably reflect upon their Integrity that they might well have shewn their resentm^{t} more warmly.

I cannot forbear mentioning a late instance of Morris's Insolence to one of His Majesty's Council

The Judges as well as the Lawyers not excepting Van Dams being of opinion that the times of holding the Supreeme Court at New York and the Circuits in the Country might be made more Convenient both for them and the people advised among themselves about it, having first obtained my leave and thinking it proper likewise that the power given to Judges by a former ordinance for appointing Sittings of the Court of Exchequer out of Term for the dispatch of busyness

in the Equity side of that Court should be incerted in this ordinance the Consulted the Chief Justice upon it who then made no objection But a day or two after he had delivered his opinion in Van Dam's Case he Mett M^{r} Kenedy one of the Council of the Province and spoke thus to him M^{r} Kenedy I tell you and calling upon one or two persons present I desire you will bear Wittness that I tell M^{r} Kenedy that such an ordinance will be brought into Councill very soon, it is an illegal ordinance and I tell you so beforehand that you may not give into it and what I tell you I shall tell the rest of the Councill. M^{r} Kenedy answered it would be his better way to talk with the Governour about it I shall see the Governour to day reply'd Morris and I will tell him so. After this the ordnance was laid before us and passed unanimously.

I have been as short as possible in my Representations fearing to trespass much on Your Graces time or I could have given more Instances of Morris's Injustice partiality and other faults and yet before I part with him, I shall be obliged to say much more whereby I believe your Grace will think him undeserving of any Countenance or office whatsoever.

His son Lewis Morris being one of the Councill behaved himself with that Insolence to Coll^{l} Montgomery that he was obliged to suspend him from his seat att that Board whereupon His Majesty displaced him and appointed another in his room. those Insolent papers which the Son then read and delivered at the Councill Board which occasioned his suspension were it seem drawn by his Father. Sone after my arrivall here the Son got himself Elected an Assembly man for a Burrough in the room of a deceased member and gave all the opposition he Could to the measures the house took to make the Governm^{t} Easy. But when he found the Revenue bill would pass he endeavoured to Stir up Contentions and create misunderstandings between

me the Council and Assembly, hopeing by these means to delay the revenue bill if not to defeat it but he failed in all his attempts, one whereof was to get an Act passed for Establishing fees, his Father however was well pleased with his sons behaviour, for being over his cups one publick day in a large Company, wherein Some of the leading Men of the Assembly were present he took upon him to Condemn their Conduct in those particulars wherein they had served the Government. and opposed his Son, and to direct them in what Manner they ought to Exert themselves wherein without doubt he had an eye to the Boston Assembly whose spiritt begins to diffuse it self too much amongst the other Provinces

Soon after the Chief Justice had read his opinion or rather argument in Court. I sent to him for a Copy of it which he said he would Send me and suspecting that it would not be a true Copy. I sent again to him the next day to lett him know that I expected he would sign it and Certifye it to be a true Copy he said he did not know whether he should or not that he would think of it and from that time I had no expectation of a Copy nor did i give my self any farther trouble about it since it was not so much his opinion that I took notice of as the time wherein he prepared and spoke it I shall therefore content my Self at present for your Graces observation from what we could Collect from his Extraordinary Speech to make a few remarks upon it.

His Speech was without doubt at First made to please the people and by way of appeal to them the things that he strikes at being such as they by their Representatives in Assembly have made bold attempts against I mean the Court of Chancery and the Establishing of fees by the Kings Authority the First of these the Assembly have at Several times Voted to be against law and the Council being doubtfull whether the Governor alone or

the Governour and Councill were Judges of that Court Col[l] Hunter that he might act without Scruple wrote to the Board of trade as I am informed who referred the matter to S[r] Edward Northy then Attorney Generall who gave his opinion that the Governour by the Custody of the Great Seal of the Province was the sole Judge of that Court in Consequence whereof he acted as such all the time of His Government and so have all the Governours Since, And Morris himself when President of the Councill of the Jerseys On M[r] Montgomeries Death Acted as Chancellor himself and giving a decree in that Court, but he knows that the people of New York have a greater dislike to that Court and for different causes than the people of Jersey in Jersey, the King has no Quit Rents to Sue for nor are there any Grants of Land, made there as at New York the whole province being granted under the great Seal of England but in New York there have been great arrears of Quit Rents recovered in the Court of Chancery and all or most of the lands having been granted by the Governour the people are apprehensive of having the Validity of some of those Grants questioned, the Attempt therefore to distroy that Court is popular.—

That of the fees is not so great an Eyesore, it has served however on all occasions to add to the Number of their complaints whenever an assembly has grown sower, but the people regard it no otherwise then as they would have the power in their own hands and they have made some attempts to gett it for in the year 1709 they passed an act for the Establishing of fees which was rejected by the Queen in the same year, and orders given to Col[l] Hunter who was then appointed Governour of this Province to Establish them with the advice of the Councill on a reasonable foot which he did soon after his arrivall by ordinance and they have continued ever Since on that Establishment and on the best inquiry I can make. I do not find

that any complaint has been made to the Governour of any Exorbitance of the fees.—

If the Court of Chancery that has hitherto Subsisted could receive its fate from the Breath of this man why may not the other Courts one After another be dissolved in like manner, the Court of Exchequer of which he has been a Judge ever Since he has been Chief Justice is now given up by him and I don't see how that can be distroyed and the others preserved his and the other Judges Comissions Extending to all alike, but as that would no way serve his present purpose he was carefull not to touch it knowing that the people would too plainly see their own distruction in it for nothing less then the utmost confusion must be the consequence Every Judgement at any time given in any of those Courts, being of Course to be void and this perhaps was one reason why he would not at that time suffer the whole plea to be argued, for it does not only strike at the Jurisdiction of the Court to hear Causes in Equity, but att the very being of the Court, and the Constitution of the Judges, and consequently all the Jurisdiction in all its parts.

But the other Judges the Attorney Gen[ll] and the Councill retained for the King in this cause say and are of opinion his Majesty may Establish any Courts not repugnant to the Charter or comon Usage of the Province S[r] Edw[d] Northy gave his opinion as to the Cognisance of the Court of Chancery England what is at present proposed is not an Ordinance for Establishing a Court of Equity, but for altering the terms or times for the Sitting of the Court and Circuits and appointing proper Sittings out of term for the Equity side of the Exchequer and for the dispatch of Bussiness, but as these are questions & Disputes foreign to my education And way of life I shall not Enter further into them and have but just hinted at what is said in maintenance of the Power of the Court. I beg leave how-

ever to say to your Grace that there is an Absoute Necessity to insist upon the Kings Just prerogative especially since the well fare of his Subjects is interworn with it as it is in this case.—

I have said that Morris himself formerly urged the Lawyers to comence suits in the Equity side of the Exchequer as a speedier and less expensive way of determining matters of Equity then in the Court of Chancery if the Subject can receive a benefitt from that Court. I am sure it is necessary for the King's Interest for their the Quit Rents fines forfeitures and other dues may be sued for and recovered in less time then in the Court of Chancery for the Governour's being obliged frequently to meet the Jerzey Assembly and the five nations of Indians att Albany which take up a Considerable part of the Year Busyness cannot be dispatch'd in Chancery so soon as is requisite by means whereof the people have been encouraged to persion in their neglect of paying their rents and other dues att such time as they Ought but a Court of Exchequer meeting with none of these interruptions may in a shorter time determine causes whereby the Quit rents may be brought into a more regular and Certain method of payment a thing highly necessary and which I am endeavouring to putt upon a good foot.

Upon the whole my lord I think it my duty to support that Court and to maintain His Majesty's prerogative to the utmost of my power. Especially at a time where his Just and reasonable Authority is so avowedly opposed by Our Neighbours att Boston I perswade my Self that your Grace will approve of my displacing Morris on this consideration too that it is a necessary step to prevent the like in this province or att least to defer other others in Authority from being Advocates for the Boston Principles it is evident from what has been Said that the Father on the Bench and the Son in the Assembly act with the same views they

are men from whom I am to expect the utmost opposition in the King's affairs & therefore ought to be crushed in time I shall no make a few remarks on the printed paper which is said to be a letter to me.

Morris says that the Kings Council had liberty to say what they thought proper but that is so farr from the truth that he would not suffer them argue upon the whole plea which they had prepared themselves but singled out one point to which alone he confined them and for which they were not prepared

He says that he thought himself within the duty of his office in sending me the message about the Ordinance but I think rather it would have been his Duty to have waited till the Governour and Councill had asked his opinion or att least till the Ordnance had been passed for if it had been an Ordinance proceeding from the Governour & Councill without any application to them from others he could not be supposed to know that wee had any such thing under our Consideration but the truth is he did know it he was advised with about it by the other Judges and the Lawyers before he delivered his opinion in Van Dam's Case and made no objection to the legality of it but after he had delivered his opinion he thought it necessary to send that message.

He thinks my answer too warm and proceeding onley from the opinion he gave on that point of Law but I believe your Grace will think I ought not to have anything to say to him in Private who had so openly attacked the Kings prerogative that I could neither rely upon his integrity depend upon his Judgem[t] or opinion nor think him a person fitt to be intrusted with any concerns relating to the King is too plain from what I have said above to need any further reason but he is widely mistaken in supposing it Could proceed from no other cause but his giveing that opinion for it was not his opinion but the time the

manner and the self interrestedness of it that I resented most had he sufferd the Kings Councill to have argued upon the whole plea as they desired and were prepared to do and had heard Council on the other side had he taken time as he allways had done in other cases before he delivered his opinion or had he not been president of Jerzey and alike circumstanced with Van Dam his opinion then would have been no otherwise Consider'd than his want of Judgement but as he would not suffer the Kings Councill to deliver their argument as they had prepared them, as he before hand had wrote down his opinion and arguments as he had read it as soon as the Lawyers had done speaking without asking any of the other Judges there opinion as he thereby attempted to Byass or overthrow the other Judges, as he told them they were onley his Assistants thereby rendering their authority Contemptible in they eyes of the people & insinuating that their Judgement or opinions are of no signification and as his case and Van Dams are alike (tho the Kings order with respect to Morris is not yett come) what less then partiality could I think him guilty of that I cannot think him fitt to be intrusted with the Kings concerns.

The other part of my messauage which taxed him with slight and Contempt &c he has in some measure acknowledged by saying that he has never been but six times in my Company, three of the times he has mentioned and the last of them somewhat Ironically if he had mentioned a fourth he would have named all the times he had been in my Company, and that was about a frivilous affair att an unseasonable time for dinner was on my table and my family and some of the Assembly waited for me. but, I do assure your Grace he never was once to pay me a Visit no not so much as to welcome me into the Province the first time I saw him was when he deliver'd the Publick Seals of the Jerseys to me which a man of more mod-

esty would not have mentioned att this time since this short relation of his behaviour att that time will be little to his advantage; about four days after my arrivall att New York I went to Amboy to receive the Seals and to take the oaths expecting to find Morris there but he was not then come from his plantation tho I had Sent timely notice I waited till he came and the Expected (the Councill being assembled) that he would deliver me the Seals, but I was told that Alexander, one of the Council of that Province & a Lawyer too was busy in finishing a decree in Chancery which Morris had given and I was desired to wait till it was done I then went out and walked before the door of the house for an hour or two. some of the Councill discovering how I was treated and highly resenting it spoke to Morris about it who said that the decree would soon be finished but that if the Governour would Affix the Seal of the Province to it, afterwards he would deliver the Seals to him but I excused my Self and waited till Morris had Sealed the decree, this Decree it seems was given in a very hasty manner and before the Wittnesses of the other side were examined it was made in favour of Morris's sons wife or her Sister wherein Morris's partiality is loudly spoken of.

Things are now gone that length that I must either displace Morris or Suffer my Self to be affronted, or what is still worse see the Kings Authority trampled on and disrespect & irreverence to it taught from the Bench to the people by him who by his oath and his office is obliged to support it this is neither Consistent with my Duty nor my Inclination to Bear and therefore when I return to New York I shall displace him and make Judge Delancey Chief Justice in his room and I am perswaded that your Grace will be of opinion from what I have said that I ought not to Suffer him to sitt Longer on that Bench and that I may not be thought singular I will Instance other Governours who have displaced Chief Justices for much less Cause, and

I will go no further back then M^r^ Hunter who turned out M^r^ Mompesson from being Chief Justice of Jersey and made M^r^ Jamison Chief Justice in his room afterwards Gov^r^ Burnett displaced M^r^ Jamison and appointed M^r^ Trent. upon M Trents death he appointed M^r^ Hooper and some time after displaced M^r^ Hooper and appointed M^r^ Farmer M^r^ Delancey is a person of a very good Estate as well as of a good character and I promise my Self that on my recomendation Your Grace will be so good to obtain His Majesty's Warrant on which a new Comission issues here[1] Your Grace remembers how often M Walpole has desired that I should hold Courts of Equity towards supporting the Kings prerogative as well as to recover his right it being very Seldome done by former Governour's here as being unpopular has made this madman oppose it in this Extraordinary way.

I am My Lord

[Wm Cosby]

Some extracts from the annexed Letter from Govern^r^ Cosby relating to Morris & Courts of Equity in New York.

* * * * * *.

Morris was many years in Effect Sole Judge of the Exchequer a merchant onley being Joyn'd with him a man of mean capacity at that time he urged a very eminent Lawyer to comence Suits before him in the Equity side of the Exchequer which he declined for no other reason but doubt of Morris's Integrity he having no Scruple since M^r^ Delancey & M^r^ Phillips's sitting on that Bench.

[1] On June 26th, 1733, Ferdinand John Paris, as Agent, filed a caveat against Mr. Morris being removed, or suspended, without a hearing.—Ed.

The Councill formerly being doubtfull whether the Govern^{r} alone or Governour and Councill were Judge in Chancery Coll Hunter that he might act Safely wrote to the Board of Trade (as I'm informed) the matter was referred to S^{r} Edw^{d} Northy then Attorney Generall, who gave his opinion that the Governour by the Custody of the Great Seal of the Province was the Sole Judge of that Court in consequence whereof he acted as such all the time of his Government as every Governour have since and Morris himself when President of the Councill at Jersey acted on Montgomeries death as Chancellor and made a Decree.

About four days after my arrivall I went to Amboy to receive the Seals, and take the oaths expecting Morris who had notice but was not come. the Councill being assembled we were told Alexander one of the Councill and a Lawyer was busy finishing a Decree in Chancery which Morris had given and I was desired to wait till it was done I walked before the door an hour or two some of the Councill resented the treatment I met with and Spoke to Morris who said if I wou'd afterwards affix the Seal to the Decree he wou'd deliver the Seals. I excused myself and waited till Morris had sealed the Decree this Decree was given hastily before the Wittnesses were fully examined and in favour of Morris's Son's wife or her Sister his Partiality in this Decree is complained of.

He strikes at Courts of Equity to please the people of New York there Representatives Severall times Voted the Court of Chancery against Law there haveing been great arrears of Quit Rents in New York recovered in Chancery and all or most of the Lands being granted by Governours the people are apprehensive of haveing the Validity of some of those Grants questioned whereas in Jersey the King has no Quit Rents to sue for or Grants of Lands.

Morris once recomended Suits in the Equity side of

the Exchequer, as less expensive and more expeditious than in Chancery it may therefore be necessary for the Kings Interest in Case of Quit Rents, Fines, Forfeitures &c the Govern^{r} being obliged to meet the Jersey Assembly and the Five Indian Nations at Albany which may hinder dispatch of busyness in Chancery and has occasioned a Neglect in Peoples paying there dues whereas a Court of Exchequer meet with none of these interruptions the Legality of this Court has been supported by the two other Judges Delancey & Phillips.

Order in Council appointing William Provoost one of the Council of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. III, E, 74.]

Order in Council approving a Representation of this Board for appointing W^{m} Provoost A Councillor in New Jersey in the room of John Hugg Dec^{d}

AT THE COURT AT S^{t} JAMES'S.
the 10th day of May 1733
Present
THE KINGS MOST EXCELLENT MAJESTY
in Councill

Upon reading at the Board a Report of the Right Hono'ble the Lords of the Committee of Councill for Plantation Affairs dated the 27 of Last Month in the words following—Viz^{t}

"*Your* Majesty having been pleased by Your Order "in Council of the 29th of Last Month to referr unto "this Committee a Representation from the Lords "Commiss^{rs} for Trade and Plantations setting forth

"that John Hugg Esq[r] lately a Member of Your "Majestys Councill in the Province of New Jersey is "dead, and William Provoost Esq[r] hath been recom- "mended to the said Lords Commissioners as a person "every way Qualified to serve Your Majesty in that "Station, and therefore humbly proposing that he "may be appointed to Supply the said Vacancy—The "Lords of the Committee in Obedience to your "Majestys said Order of Reference this day took the "said Representation into their Consideration Do "thereupon agree humbly to Report to Your Majesty "that they have no Objection to Your Majestys "appointing the said William Provoost to be of Your "Majesty's Councill in the said Province of New Jer- "sey in the Room of the said John Hugg.

His Majesty this day took the said Report into Consideration and was pleased with the Advice of his Privy Councill to approve thereof, and to order as it is hereby Ordered that the said William Provoost be Constituted and Appointed a Member of His Majestys said Council of New Jersey in the Room of the said John Hugg deceased; and his Grace the Duke of Newcastle one of his Majestys Principal Secretarys of State is to cause the usual Warrant to be prepared for His Majestys Royall Signature accordingly.

A true Copy

W– SHARPE

Additional Instruction to Governor Cosby—admitting John Peagram, Surveyor General of the Customs, to be one of the Council in New Jersey.

[From P. R. O. B. T. New Jersey, Vol. XIV, p. 371.]

Additional Instruction to Our Trusty & Welbeloved William Cosby Esq[r] Our Captain General and Governor in Chief in and over

Our Province of Nova Cæsarea or New Jersey in America; or to the Commander in Chief of Our said Province for the time being. Given at. [August 8th 1733]

Whereas We have thought it for Our Royal Service that all the Surveyors General of Our Customs in America for the time being should be admitted to sit and vote in the respective Councils of the several Islands and Provinces within their Districts as Councillors extraordinary during the time of their Residence there; Now We do hereby constitute & appoint John Peagrum Esq[r] Surveyor General of Our Customs in the Northern District of Our Dominions in America, and the Surveyor General of Our Customs within the said District for the time being to be Councillors Extraordinary in Our said Province of New Jersey and It is Our Will and Pleasure that he and they be for the future admitted to sit and vote in Our said Council as Councillors Extraordinary during the time of his or their Residence: It being Our Royal Intention if through length of time the said John Peagrum or any other Surveyor General should become the Senior Councillor in Our said Province, that neither he nor they shall by Virtue of such Seniority be ever capable to take upon him or them the Administration of the Government there, upon the Death or Absence of any of Our Captains General or Governors in Chief or Lieutenant Governors; But whenever such Death or Absence shall happen the Government shall devolve upon the Councillor next in Seniority to the Surveyor General, unless We should hereafter think it for Our Royal Service to nominate the said John Peagrum or any other of Our said Surveyors General, Councillors in Ordinary in any of Our Governments within their Survey, who shall not in that case be excluded any

benefit which attends the Seniority of their Rank in the Council. It is likewise Our Will and Pleasure; and you are hereby required, by the first Opportunity to move the Assembly of Our said Province under your Government, that they provide for the Expence of making Copies for the said John Peagrum and the Surveyor General of Our Customs in Our said Province for the time being of all Acts and Papers which bear any relation to the Duty of his Office, and in the meantime You are to give Orders that the said John Peagrum, or the Surveyor General for the time being as aforesaid be allowed a free Inspection in the Publick Offices within your Government, of all such Acts and Papers without Paying any Fee or Reward for the same Ex^{d}.

From Lewis Morris, Esq., to the Lords of Trade—about the proceedings of Governor Cosby.

[From N. Y. Col. Docts., Vol. V, p. 951.]

New York. 27. August 1733.

My Lords,

I do suppose that by this conveyance Your Lord^{pps} will receive from his Excell^{cy} our Gov^{r} an account of his having displaced me from being Chief Justice of this Province, with the reasons for his doing of it. Had he been pleased to have communicated them to the Councill (which I cannot learne that he has done) or to myself, I make no doubt, I should have been able to have answered them to the satisfaction of my superiors; but since he has not done either, I have but to much reason to believe that I am displaced for the gratification of his causeless resentment, for, any just cause I am sure he has not.

I have been nigh twenty years in that Office; and

was recommended in the first of the late King, by the then Gov^{r} Hunter to the Board of Trade, to have that Office given me as some reward, for the faithfull services I had done to the Crown in this Govern^{t} and that Hon^{ble} Board thought fit to recommend me to the King, who was graciously pleased upon that recommendation to conferr that Office upon me, and by his order in Councill to direct the Gov^{r} to issue a patent under the seale of this Province for that purpose, and his present Majestie on his Accession to the Crown was also graciously pleased by the like order to direct my being continued in it.

The Sallary and proffits of the Office was inconsiderable (not 100 pounds sterling) when I came to it, 'tis now not worth above 200 pounds sterl^{g} and that increase chiefly owing to the good opinion the General Assembly was pleased to conceive on my conduct in it. I am now grown old in the publick service having been for above forty years ingaged in it in New York and Jersey.

In the year 1701 I was instrumental (at my own no small expence) to prevaile on the proprietors of New Jersie to make a surrender of their Govern^{t} to the Crown, and I have not been since so ill a servant to the Govern^{t} as to deserve this treatment from the Gov^{r}, nor so behaved myselfe in my late Station of Chief Justice as to make my removal at all aggreable to the people, which Your Lord^{pps} on enquiry I doubt not may learne from indifferent persons.

I have not as yet, had any notice from the Gov^{r} of my being displaced; but the publick voice soon brought it to me, and a coppy of the following Minute of Councill which one of my friends procured the next day assured me of the truth of what was said: Viz^{t} At a Councill held the 23rd of August 1733. Present: his Excellency, M^{r} Clarke, M^{r} Harrison, Doctor Colden M^{r} Kenedy M^{r} Delancy— The Gov^{r} delivered in Councill

to James Delancy Esq^re^ a commission appointing him Chief Justice of the province of New York in the room of Lewis Morris Esq^re^ and also to Frederick Phillipse Esq^re^ a Commission appointing him Second justice after which they were sworn into their severall offices." Tho' these men were all Officers of the Govern^t^ and consequently depending on the Gov^r^ and fearefull of speaking their mind, and the last of them Delancy, the person to whom the Commission was given, makes but the fifth Man; yet your Lord^pps^ may observe that no advice was asked (even of these Members) whether such a change was proper to be made; but the Commissions were delivered to the persons, and they sworn accordingly without ever consulting the Councill about it who,(had they been ask'd) I believe would not have advised the doing of it. I being pretty well assured, that neither Colden, who well knows the state of this province, nor Kenedy the Collector, nor I believe Delancy himselfe would have advised the doing of any such thing. I submitte it to Your Lord^pps^ better judgments, whether in this or any such like case, it had not been more proper, and more agreable to the meaning of his Maj^tie's^ Instructions to have had the whole Council present to have given their opinions, how fit it was to have made such a change, and to have had their reasons for or against the doing of it entered in the Council Bookes, that his Majestie and his Ministers might have been enabled to judge whether such a change was for the publick service or not, If his Excell^cy^ has any reasons better than the gratification of his own resentment (which I never will believe Your Lord^pps^ will think to be a good reason) and doth not communicate them to the Councill, it will naturally be thought they are such as the Councill are not fit to be trusted with; whether they are, or not, Your Lord^pps^ will be able to judge, for I suppose he will think himselfe obliged to give some, and the

stale method of abuse, and calling every man that will not become the promoter of a Governour's private views, an Enemy to the Kings prerogative, will not at this time of day be thought sufficient.

The reasons for displacing a Judge should (in my humble opinion) be not only in themselves very good, but very evident; nothing being more distasteful than the arbitrary removal of Judges, because every man that has any thing he calls his own must naturally think the enjoyment of it very precarious under such an administration, and our Governour's conduct has been such as fully to purswade those under his Govern^{t} that he thinks himselfe above the restraint of any Rules but those of his own will. I can not tell what occasioned his difference with me unlesse it was an opinion I gave on a matter in Judgement before me; the opinion is printed and] comes inclosed. Your Lord^{pps} will see by his message to me the temper of the Man and Judge of his abilities— My two Brethren the Second and third Judge (as they are here term'd) but now made the Chief Justice and Second Judge differed with me in opinion, their reasons I never could get in writing, but have inclosed the substance of them.— Your Lord^{pps} will be able to determine how farre they are, an answer to what I said: they are as follows:—viz^{t} First. that some power to correct the rigor or supply *the defects of the common rule or measure of justice as essencial to*, and coevall with *every well formed Constitution*. 2nd That this power is *not only supposed* in the frame of the Common Law of England, but the power itself *is a part of that Law*. 3^{ly} That the common Law of England is the undoubted birth-right of Englishmen and doth accompany and follow them into all Colonies or plantations deriv'd from their Mother Country. 4th That this is an English Colony or Plantation and therefore the Common Law extends hither, and consequently by that exten-

sion the power to determine according to equity doth extend and must be lodged somewhere— 5thly That this power in England was originally lodged in the Court of Exchequer. (I think my Bretherin are a little mistaken in this part). 6thly that the Judges of that Court have only their nomination from the King, but their power and Authority from the Law. 7ly that the Judges of the Supream Court of this Colony having by their Commission a designation to the *same Office here* that the Judges in the Court of Exchequer *have in England*, they have therefore *by the same law the same authority; which the King by his commission, can neither add to, nor take from them.* 8ly That therefore by *their Commission and the Common Law they may* proceed *and determine according to Equity, and* do not stand in need, *of any act of Legislature to enable them so to do.*

I think My Lords, the bare recital of some of these is a sufficient confutation of them. I shall not trouble Your Lordpps with any remarks upon them, I intending shortly to print some.

I am very farre from being against a Court of Exchequer, but, whether such a Court with as large a jurisdiction as that in England, to dispose of and manage his Majesties Revenues here, may be fit and convenient in this Province or in any dependent Govern', especially so remote as this, is a question too big for me to enter into; but, with regard to the management under proper regulations and restrictions would be (in my opinion) for his Majtie's service and the publick good. It is not unknown to Your Lordpps that the Governours of this Province have made grants of very large tracts of Land, almost as large as provinces, with reservation of small and inconsiderable rents; and tho' by an Act of the Assembly of this province passed by the Earle of Bellomount, some of them were resumed, yet that resumption did not discourage the succeeding

Governours had for their large if not larger grants with reservation of as inconsiderable rents; which grants are still subsisting. Most of the grants made by him and some of the succeeding Governours have for their motive chiefly the private proffit of the Governours, and the gratification of their friends (seldom the friends of the Govern[t] but) the little instruments of their tyranny and oppression, and the tooles to promote their purposes. The private profitt of the Governours arose two ways: 1[st] by large presents made to the Governours by the Grantees and 2[nd] not only by large presents made but by admitting the Governours to become sharers in the grants; for which purpose they made use of the names of some of their friends, who, after the Patent granted reconveyed to the Governours, and no lands were admitted to be granted unless some of these were to be parties to the Grant. I am told the present Governour (but how truely I do[n]t know, but believe there is something in it) will not grant any lands unlesse he comes in for one-third of them. The lands are purchased from the Natives by private persons who bid upon each other; and using the Arts common to Men competitors for the same thing, render those purchases vastly dearer than they otherwise would be. The consequence of all this, is, first, engrossing great Tracts of Land into few hands 2[nd] rend[r]ing it very difficult if not impracticable for any but a certain class of Men to come at them. 3[rd] rendring them so dear that when the present to the Govern[r] and his share of the lands, the large fees of the Secretaries Office ettc for the Patent, and the Indian purchase are deducted, it will not be worth the while even of those few that can come at them, to meddle with them, there being better lands and much cheaper to be purchased in Jersie and Pennsylvania without any reservation of rent or a very small one to fix the tenure.

These methods have not only hindered the natives of this province from settling and improveing it, as they might have done, had lands been in fewer hands and more easily to be come at; but realy weakened it, by necessitating the inhabitants to have recourse to Jersie and Pennsylvania, and hath been a meanes that contributed very much to the settlement and increase of those provinces, in proportion to the decrease it made in this. A Court of Exchequer with proper Officers for the management and disposition of the King's lands and rents, all intirely (or as much as may be) independent on a Gov^{r} will I think prevent this for the future, if not go a great way to remedy in part what is passed, which is not to be expected from a Gov^{t} while the Smuggling Trade of presents from an Assembly to a Gov^{r} subsists, and which will subsist until some way is found to make the Governours believe that the King's Instructions prohibiting taking any present really mean what the words seem to import. If I have not been misinformed the disposition of the lands in Pennsylvania were managed with good successe by some persons independent of the Gov^{r} in that point and called Commiss^{rs} of Property, but this matter is humbly submitted to Your Lord^{pps} better judgement.

Having just now mentioned presents to a Gov^{r} I send Your Lord^{phs} a printed pamphlet concerning a present made by our Assembly to the present Gov^{r} on pretence of his stopping the Sugar Bill by his interest with some Noble members of the House of Lords. This he had assurance enough to say, and our Assembly folly enough to believe. Your Lord^{pps} best know whether the not communicating of it, to be entered in the Registers of the Council and Assembly, as he was by that ordered to do, and the taking of £1000 present from the Assembly, which that instruction forbids, be breaches of it or not: if they be? the consequences

attending such a conduct will lett the people (of the Plantations at least) know whether the words of it, viz^{t} "on pain of our highest displeasure and of being recalled from that our Govern^{t}"—mean what they naturally seem to import, or not; and accordingly what judgement is to be formed of many other Instructions, But, however that happens, tho' he had not interest enough to stop it, as appears by the Act being now passed, yet it is under as many obligations as that 1000 pounds can lay him, to wink at the breach of it, and may earn his money that way, tho' he could not deserve it the other.

Your Lord^{pps} has seen the reasons above, which induced our Judges to exercise a jurisdiction in a cause of Equity, in our Supream Court; here follows a Judgement given by the third but now Second Judge in that New Court, upon a demurrer which was: 1st That the King has a prerogative to sue in what Court he pleases. 2nd That this power is not limited to Courts of Equity for matters of Equity or Courts of Common Law for matters relievable at Common Law; but—3rd *That the King has a right to sue in Equity for what he may be reliev'd by the Common Law*, otherwise he would have no prerogative or priviledge above his subjects; for they as well as the King, may be reliev'd in Equity, for matters of Equity; and in any Court of Common Law for matters relievable at Common Law. The sole authority relied on by the Judge to support this opinion "that in all cases the King might sue in Equity for what he might be relieved by the Common Law" was what one Greenfield offered in argument as 'tis in the Year book of the 39th of Hen: 6th fol: 26. before the Chancellor of that time; which case I doubt not My Lords, the Judges, or his Maj^{ties} Attor: Gen^{l} will tell Your Lord^{pps}, does by no means warrant such a Judgement, and that the Law is quite otherwise. But thus it stands at present here, to the surprise and

amazement of all the Inhabitants of this province, who think this Judgement, an intire subversion of all the Laws and a lying aside the tryall by Juries, in all civil cases where the King is, or his Gov^r^ (from whom every thing is to be feared) will please to say he is concerned, and putting the disposition of their properties into the sole hands of Judges; who, if they should not prove proper instruments for a Governour's purposes, may be soon removed as I have been and more obsequious Men put into their places. What comes from me, may perhaps have little or no weight at all with Your Lord^pps^; and because of my particular concern may be thought the effects of warmth and resentment for my being removed.

I must confesse, I have not so little of human nature as to be without proper resentments, for a treatment I am not conscious to myselfe of ever having in the least deserved, or be easie to see those methods of Govern^t^ take place here, viz^t^ the arbitrary removal of Judges, that in England is so justly remembered with the utmost detestation, by every true lover of his Country, and subjects the liberties and properties of the Inhabitants to the disposition of a Governour, very much wanting tallents suitable to manage so great a power with tolerable decency. I am not singular in this opinion. I thought myselfe bound in duty as well as interest to lay this matter before Your Lord^pps^ who are particularly intrusted with plantation affairs, and I please myself with the hopes that Your Lord^pps^ will think it necessary for his Maj^ties^ honour and service, that Justice may be done to the Governour and to My Lords

Your Lord^pps^ most humble and
most obedient servant
LEWIS MORRIS.

Postscript Sept^r^ 1. 1733.

On the 30^th^ of last month a supersedeas was sent me, which was two days before the calling of the Councill

on the 23rd as appears by the copy of the minutes of Councill; and from that it is plain, that the Councill was not consulted; besides I believe I am well informed, that on the delivery of the Commissions to the Judges in Councill, that Doctor Colden ask'd the Govr whether the Councill were summoned to be advised with on that head? if they were, he would advise against it, as being prejudicial to his Majesties service; to which the Govr replyed, he did not, nor ever intended to consult them about it; he thought fit to do it, and was not accountable to them; or words to that effect, I was at my owne house (if I have any thing I can call my owne) in the Country, about ten miles from New York when this happened, and have not been since 100 yards any where from it; but am told it has created so great a dissatisfaction, that a more universal one was never known in this part of the world; of this Your Lordpps may be informed if you please by every body that goes from hence.

The most considerable of the Merchants and inhabitants of the City of New York, have already voluntarily signed a testimonial of my good behaviour in my Office, during the time that I have been in it, and of my constant and firm attachment to the present Govern^{t} and the illustrious Royall Family on the British Throne, which I am told will be also done by above nine tenth's of the Inhabitants of that City, and of the whole province—Whether they will do it time will discover, I am sure they can do it with a great deale of truth, and I believe they will

I humbly beg leave to submit it to Your Lordpps Judgement, that I being nominated and appointed by his Majestie in Councill, tho' not made Chief Justice of this Province by Patent under the Great Seale, whether it be not in a manner tantamount, at least with respect to the Governour's displacing of me? and whether the Governour is not understood to be under

the same restrictions with respect to the displacing any person appointed by his Maj'^tie^ in Councill, as he is with respect to the displacing of a patent Officer? The nature of my Office, and the concerne his Maj^ties^ subjects inhabiting this province have in it, seemes to make it reasonable that it should not be altogether precarious. But this as I have said is offered with the utmost submission by.

My Lords

Your Lord^pps^ most obedient and humble Servant

LEWIS MORRIS

Letter from James Alexander to Robert Hunter.

[From Original Copy in Mr. Alexander's handwriting in Rutherfurd Collection.]

New York Nov^r^ 8 1733

May it please your Excellency

[Extract.]

Our Governour who came here but last Year has long agoe given more Distaste to the people here than I believe any Governour that ever this province had during his whole Government; he was so unhappy before he Came to have the Character in England, that he knew not the Difference between power and right, & he has by many Imprudent Actions Since he came here, fully Verified that Character, it would be tedious to give a Detail of them. He has raised such a Spirit in the people of this province that if they cant Convince him yet I believe they will give the world reason to believe, that they are not easily to be made Slaves of nor to be governed by Arbitrary power, & before any Governour probably gets any of their money, will have their libertys & propertys Secured to them by good laws. Nothing does give a greater lustre to your &

Mr Burnetts Administrations here than the being Succeeded by Such a man.

We Extreamly want a good and nimble printer which if we had he would Soon appear from the press in his proper Colours, but Such as our press is it will be kept employed * * * * * *

Inclosed is also the first of a News paper designed to be Continued Weekly, & Chiefly to Expose him & those ridiculous flatteries with which Mr Harrison loads our other News paper: which our Governour Claims & has the priviledge of Suffering nothing to be in but what he and Mr Harrison approve of

Mr Vandam is resolved and by far the greatest part of the province openly approve his resolution, of not Yielding to the Governours Demand of him, he has not as Yet Answered, nor will the Governours lawyers be able for one while to Compell him unless they break over all Law, & perswade the new Judges into a contradiction of themselves, which if they do the world shall know it from the press * * *

Begging pardon for my Tediousness I remain with gratitude & regard Your Excellencys most Obliged and most Obedient Servant

Ja Alexander

Letter from James Alexander to Mr. Secretary Popple.

[From Copy in Mr. Alexander's writing in Rutherfurd Collection, Vol. I. p. 167.]

New York Decr 4th 1733

Sr

I am so sensible how precious your time is to you & what reason you have to be afraid of an impertinent correspondent that I have hitherto delayed Acknowledging the honour you did me by yours of ffebry 1731-2

& of the invitation you gave me of Writeing Sometimes to you till now that I think the Subject of my letter will excuse the trouble of reading it.

Our present Governour at his Arrival found the People in as good disposition as he could wish the Assembly readily granted the Support for as long a time & as largely as ever it had been done for any Governour & Added a present of a Thousand Pound. Our Party Differences seemed over & every thing Seem'd to promise an easier Admin.n than any Gov.r had ever met with in this place but the quite Contrary has happened. I believe you will be pleased to have Some Account of this Change in a different manner from what they will perhaps be laid before you in Your Office. The first disgust arose from a kind of State he Used in receiving all Addresses whether of Civility or busness different from what the People had been used to even when they had persons of the first Rank for their Governours But the great Differences took their Rise from the Instruction he had to receive half the Salary and Perquisites from Gov.r Montgomeries Death to his own Arrival The President had received the whole and Conceived he had a right to it and therefore refused to pay unless compell'd by due Course of Law The Gov.r did not think Proper to Trust his Cause in the Courts of Common Law, but erected a New Court of Equity by Ordinance in the Supream Court under the name of the Equity Side of the Exchequer & in this Court the President was Sued in the Attorney Gen.ls name The Presid.t excepted to the Jurisdiction The Cheif Justice was of Opinion that no Court of Equity could be Erected without the Consent of the whole Legislature but the Puisne Judges declared their Opinion that this Court of Equity in New York was established by the Common law of England & would not Suffer the Presid.ts Council to Argue their Plea The Gov.r Sent a threatening Message to the Chief Jus-

tice in which his integrity was call'd in question he Defended himself in Print and refused to Sit while the Court proceeded in a course of Equity The Presid^{t} then Added a further exception to the Persons of the Judges as being under the Influence of the Gov^{r} w^{ch} the Judges would not receive or suffer to be read The President likewise Demurred to the Equity of the bill the Puisne Judge Declared his opinions that the King can Sue in a Court of Equity, for a matter tryable at Common Law & Overrule the Demurrer The People look upon the first Opinion of the Puisne Judges to be Ridiculous & that the Second is Eversive of the Constitution After this the Gov^{r} without Advice of the Council removed the Cheif Justice and put the Second Judge in his Room and the third Judge he made Second without Appointing a third The People think their liberty and property to be Precarious if Courts can be Arbitrarily Erected with discretional powers not Subjected to the Controul of any other Court So likewise if the Judges be Arbitrarily removed & others Arbitrarily appointed & the number of the Judges arbitrarily Diminished or . . (?) . . & that of Course all other Officers must intirely Depend upon the Will of a Gov^{r} The late Cheif Justice had been in that Office near twenty Years as to his integrity & Skill in the law had Established his Character as much or more than any Judge in America ever did The Puisne Judges now Cheif Justice & SecondJudge are both Young men of no Experience or Practice in the Law & the Second Judge has no Pretence to any kind of Learning The Councill is Seldom Call'd & when call'd Some Particular members are never Summoned. This make the People think that they have no Security from the Council because if the Gov^{r} can induce but three of the twelve to be of his mind he makes a Majority of a Quorum & this is Esteemed the Advice and Consent of the Council by this means the Opinion

of the Council has little weight with the People The Gov^{rs} removeing the Cheif Justice without the Consent of Council makes People think that he could not find three that would Consent to it.[1] The People likewise think that they have lost the Security of his Majesty's instructions to his Gov^{r} in which they formerly trusted it being now Openly Advanced and is a favourite Opinion that the Instructions are only a private Rule to the Gov^{r} which no person is to inquire into & that all his Acts within the Gen^{ll} Powers of his Commission are good however Contrary they be to his Instructions The Gov^{rs} refusing to grant any Lands without a third being Secured to himself Adds to the Complaints and is of Ill Consequence to the Settling of the Country but the Appointing Indigent P^{r}sons Sheriffs Strangers to the People more Especially increases the fears of Arbitrary Designs Many other things have Concurred to Exasperate the Peoples minds more than you can think could possibly happen in a first Years Admin^{on} but as they are of less General Concern I pass them over They have had this Extreme bad Effect that they have So Rivetted an Opinion in the peoples minds that the Gov^{r} is only come for Plunder that it will be very Difficult for him to remove it & the Succeeding Gov^{rs} will find the Effects of it. The Assembly met this fall but as soon as the Gov^{r} found

[1] Under the same date in a letter to Alderman Perry Mr. Alexander wrote "This he did without the Advice or Consent of his Majesty's Council tho by the King's instructions he is directed not to remove or Appoint any Judge without their Advice or Consent. This makes People think he could not find three in the Council that would Consent for as this Governour has introduced a new & dangerous Practice of Calling only Such of the Council that he thinks fit and as five make a Corum if he could have got but 3 to have Consented he could have Claim'd the Advice & Consent of the Council However for what reasons I know not he thought proper to declare the appointment in Council & deliv'd the Judges their Commissions there I happen'd to be present & I declar'd my Dissent the rest kept Silent none were present but such as had Offices in the Governm't * * * I hold some Offices of more trust than profit but which are Usefull to my family and I cannot help fearing that there may be private Attempts to remove me in England I design to write to Mr. Paris to Guard against them & I hope he may have timely Notice"—Original draft in Mr. Alexander's handwriting in Rutherfurd Collection, p. 169.—Ed.

their Tempers they were Adjourned So that he has lost an Assembly likewise which at his first comeing was the most Obsequious that ever a Govr met. The People of this Province have deservedly gained the Character of being as easily Govern'd as any in the Kings Dominions They are generally Industrious the greatest Number of them Dutch they Seldom trouble their heads with Politicks but Such people generally are the most Violent when they Apprehend their libertys & propertys to be in danger & indeed we were once afraid of their breaking out into open Violence. I am as little Concerned in the present Differences as it is possible for me in my Station to be I found that I was not Capable of doing good & retired to the Country where I continue I hear what Passes & I cannot help forming a Judgment within my Self and from this I think it my Duty to inform you what passes but I write to you only, in your private Capacity Presumeing to take the liberty of a friend and that you may take no further Notice of what I write than what in Your Prudence You Shall think proper You see what Confidence I put in you & I wish you may think that I deserve it If in any thing I can be usefull to you in America it will give me the greatest Pleasure to have your Commands, for I earnestly Wish to be Esteemed by you as

Sr Your most humble
& Obedient Servt
JA: ALEXANDER—

From Governor Cosby to the Lords of Trade—transmitting certain Acts of the New Jersey Assembly.

[From P. R. O. B. T., New Jersey, Vol. IV, F, 1.]

Letter from Colo Cosby, to the Board, transmitting Six Acts pass'd at New Jersey in 1733,

& recommending three Persons to supply Vacancies in the Council of that Province. Rec^{d} Aug. 13th 1734

New York June the 17th 1734

My Lords

I do my self the honour of Sending Your Lordships by Cap^{t} Smith Commander of the Beaver The six following acts Passed in last Assembly of the Province of New Jersey, I assure Your Lordships this is the first oppertunity I had of transmitting them since they were sent to me engrossed. [Bills numbers 1 to 5 omitted as of no moment.]

N^{o} 6 An Act for makeing Forty Thousand Pounds in bills of Creditt

I must beg leave to remark to your Lordships in respect to the act last mentioned, that tho' there were great variety of opinions amongst the Members of the Assembly as to the sum and manner of Striking new bills of Creditt, they unanimously agreed that there was a necessity for the doing of it, in some shape or other, I represented to them in the strongest manner I could how lately they had renewed their Currency, and the difficulty I had in procuring it for them, however I must say they do labour under great hardships for want of Paper money, Upon the whole it was strongly Pressed on all sides that I could not avoid Passing it & as on the one hand I shall always Think it right to do all in my Power for the advancement of their trade and to make the Province Easy, I shall on the other Pay the utmost difference to Your Lordships Judgment & consideration how Farr this particular circumstance will contribute to it; My Lords as there is three Vacancys now in His Majesties Council of the Jersey's I beg leave to recommend to your Lordship's that you would be so good to fill up & give Commis-

sion to the following Gentlemen namely, Thomas Farmer, John Rodman, and Richard Smith who are very much Esteemed in this Country from their worth honest Character as well as great Estate & every way qualified to serve his Majesty in that Station[1]
I am My Lords with the greatest Respect immaginable Your Lordshipps most obedient and

Faithfull humble Servant
W Cosby

Reasons of Governor William Cosby for removing Chief Justice Lewis Morris.

[From N. Y. Col. Docts., Vol. VI, p. 8.]

Reasons given by Colonel William Cosby for removing Mr Lewis Morris from the Place of Chief Justice of the Supreme Court of the Province of New York 19. June 1734.

Before I mention my reasons for removing him, I beg leave to acquaint you with the causes that induced me soon after my arrival here to inquire into his character; one is, that when I went to New Jersey, to take the oaths as by his Majesties Instructions I am directed, and receive from Mr Morris who was president of the Council the publick seals, he made me wait some hours walking before the door of the Council room before he would deliver the Seals to me, being all that while busy in having a decree drawn up, which he had given exparte in a cause in the Court of Chancery, tho' he himself had never taken the oath of a

[1] Under date of August 22d the Lords of Trade, acknowledging the receipt of this letter, say: "As you have not informed us who those Councillors are, that make the said Vacancys, we cannot propose them to be filled up, till we hear again from you."—Ed.

Chancellor. Another is, that the day I arrived at New York, young Lewis Morris son to the late Chief Justice did before it was known that I was so near at hand, present a petition to the president and Council for an ordinance to adjourn the Circuit Court of Albany for some short term because his Father being then President of the Council of Jersey waited to deliver up the seals to me, who was then expected; the petition was granted, the ordinance passed as he desired and yet M^r^ Morris did not go and hold that Circuit Court which was loudly complained of and soon reached my ears.

My reasons for removal of M^r^ Lewis Morris from the place of Chief Justice were:

On account of his notorious partiality in the administration of Justice of which are the following instances: Some years since the dissenters in the parish of Jamaica in this Province brought an ejectment against the Church of Engl^d^ Minister, for the Church he preached in and was possessed of, when the tryall came on, the defendant's Council demurred to the plaintifs evidence. M^r^ Morris the Chief Justice desired them to wave the demurrer, telling them, that if the Jury found for the plaintif he would grant the Defendants a new Tryall. The Defend^ts^ Council were very unwilling to do it, but fearing the worst if they refused, they did consent and the Jury found for the plaintif. The Defend^ts^ Council moved the next term before Judgment for a new tryall and urged his promise, he denyed at first that he gave any, but when they offered to make oath of it, he said, a rash promise ought not to be kept, and never would grant them a new Tryall; whereby they lost their Church and the Dissenters have ever since had it. Another instance of his partiality is this: In 1712, the Town of Westchester conveyed to the late Chief Justice and George Clarke Esq^re^ half of their undivided lands. Jacobus

van Courtland and others, claiming part of these lands (so conveyed to Morris and Clarke) went to survey them; the people of Westchester hearing of it, applyed as is said to Morris for advice, be that as it will, they got the Sheriff and two Justices of the Peace viz^{t} one Hunt, and one Bayly, both freeholders of Westchester, under whom Morris claimed to go on the spot and their finding Courtland and his partners surveying; they fined them for Rioters and committed them to prison. Courtland upon this brings his action against Hunt and Baily; on the tryal the Defend^{ts} Council demurred, the plaintif's Council Joined in demurrer and some considerable time after, the demurrer being first argued on both sides, Morris, who was then Chief Justice and M^{r} Walter a Merchant the Second Judge, gave Judgments for the Defendants, thus in effect Morris was Judge in his own cause.

A flagrant trespass committed by him and an instance of the dread the people had of his power, when he was Chief Justice, I beg leave to lay before you in a letter from M^{r} Jamison a Lawyer of this Town, of good repute having been formerly Chief Justice of New Jersey and Attorney General of this Province, till he was displaced by Gov^{r} Burnet; his great delay of Justice in oppressing the people and suitors by giveing them a great deal of trouble and putting them to a fruitless expence both of time and money, in their attendance of the Courts; for tho' he constantly adjourned the Courts to eight or nine in the morning, yet he was seldom sitting 'till twelve, one, or two, and sometimes [the Lawyers] are waiting from the hours adjourned to, not knowing when to expect him, and fearing to be fined if they happen not to be there, and it is with great concern I am laid under a necessity of informing you, that I can not help imputing those irregular hours in his sittings among several others to his pride in making the world

waite his leisure, and his intemperate drinking in which he often spends whole nights. This was his behaviour in term time in the Town of New York, but in the Circuits it was still more intolerable, for there his hours of adjournment and sitting were not only like those in Town, but after the Justices of the Peace who by ordinance were obliged to attend him, while he was in the Counties, and other people who attend on these occasions have come to the place where the assizes were appointed to be held, many of whom came forty or fifty miles from their habitations, and sometimes even after Juries have been summoned, witnesses subpeaned, parties attended and the Justices of the peace and other Officers have gone to the place appointed for holding the Circuit Courts, as by an ordinance they are directed, and have waited there several days in expectation of the Chief Justice, who then alone was to go the Circuits, he has not come to hold the Court tho' in health and able to have done it, and I beg leave to inform you, that the damage that one County viz^{t} that of Albany sustained by one neglect of M^{r} Morris's holding the Circuit Court was computed at about two hundred pounds. I should tire you, should I enter further into the particulars of his behaviour on the Circuits; two however I beg leave to mention. Once going to Albany he delayed his time so long that he had much ado to reach the nearest part of the County on the day which by the ordinance it was to be opened, but getting Just within the borders, he opened the Court and adjourned it to the City of Albany the next day, whether [whither?] he went, and there again opened and adjourned to the next day being the third; on that day likewise he opened it but doubting whether the first opening and adjournment was regular, he left the Bench without doing any business, and yet all this time the Magistrates of the County, Jurymen, Suitors, and witnesses

were obliged to attend to their great expence and loss of time. The other was in the same County, but at another time, M^r^ Morris having opened the Court he adjourned it according to his custome to the next morning, but sitting up all that night and drinking hard he lay a bed all the next day till near sunsett, when the people growing more uneasy at his delays, some of his friends or his servants awaked him, he got up and Company being admitted into his Chamber, he asked what hour it was, they answered almost night; how can that be, said the Chief Justice, the sun is but Just risen, and saying so he took up his Fiddle and played the Company a tune. These two particulars I assure you I had from some of the Lawyers, who were there at the times and from several other persons of good Credit, the County was very uneasy, but not knowing how to get redress were obliged to bear it, and in several of the Counties he has neglected to go the Circuits for many years, tho his Salary for that very service was in 1715 augmented from 130 to 300 pounds a year; that such neglects (especially that of Albany in 1732) were very expensive and inconvenient to the Counties in General as well as to those, who had causes to be tryed: the Petition of M^r^ Morris's own son for adjourning the Circuit Court of Albany, will testifye, and tho' the cause for adjourning that circuit Court ceased on my arrival here, the very day the Petition was read and the ordinance issued, yet M^r^ Morris neglected to go and hold it without acquainting me with it, or since giving me any reason for such his neglect; tho' the clamour of the people were very loud on that occasion, besides young M^r^ Morris's petition, the certificates of the Att: Gen^l^ and of Clerks of the Supreme Court, and M^r^ Garrisons affidavit, will be laid before you, whereby his great delay of Justice, his brow beating, and other ill treatment, of his Maj^ties^ Att: Gen^l^ in the execution of his duty, and the

great difficulty the Sheriff of a County had to summon a Jury, from the terror the people were under of being unnecessarily and unreasonably detained by him from their habitations and business, at a vast expence, will appear very fully.—

And here I beg leave to acquaint you, that Mr Morris was under an obligation to go the Circuits, which his predecessors were not in 1691, a salary of 130 pounds a year was established by the Govr and Council on the Chief Justice of this Province, and so continued till 1715, during which time tryalls were had at Barr, but in 1715 the Assembly (finding that as the Country grew populous, those tryalls multiplied, and that there would be frequent occasions for Courts of Oyer and terminer in the Counties) resolved to augment his Salary to £300 a year for going the Circuits, and this addition, I am informed was strongly solicited by Mr Morris himself, he being then Chief Justice, and a Member of that Assembly; on this foot the Salary continued till 1726, when the Assembly struck off by their resolves 50 pounds a year of the 300£: however Mr Burnet the then Govr drew for his salary at the rate of 300 pounds a year; in 1728, the Assembly on their then settlement of the Revenue voted but 250 pounds a year for the Chief Justices salary, and Coll: Montgomerie issued warrants for no more than the 250 pounds a year; this gave rise to some insolent papers read and delivered in Council by Mr Morris's son then a a Councellor, for which Govr Montgomerie suspended him, and his present Majtie was pleased to dismiss him from his seat at that Board and to appoint another in his room, yet all this did not bring Mr Morris to a sence of his duty, so that the Assembly in 1732 finding their former resolves ineffectual, and considering the great advantage of having the Circuits duly attended, voted 150 pounds a year to the Chief Justice for holding the Supream Court in New York four times a year,

and 150 pounds a year for going the Circuits, provided he should do it yearly in the several Counties, at the appointed times; hence it appears how much they had the Circuits at heart, for the Assembly in 1726. made the poverty of the province a pretence for their taking of 50 pounds a year from his salary, and thus had hopes, that so mild a treatment, would have changed his conduct, yet the resolves of 1732 shewed that they looked upon the benefit of having the Circuits duly attended, more than equivalent to his holding the Courts at the four terms in New York, for they gave the Second Judge 75 pounds a year too, for going the Circuits, for which there was never any provision before. * * * * * *

I beg leave further to acquaint you, that being informed, that M^r^ Morris in the argument he had read [as to the power of his Court to hold pleas in Equity, which he denied] had used many expressions derogatory of his Maj^ties^ Royal prerogative, I thought it my duty to send to him for a copy of it, and that he would sign it, and certifye it to be a true copy; to which he returned me for answer, that he did not know whether he should or not, that he would think of it; but instead of complying with my request he soon after printed and published his said argument, with a letter by way of introduction and conclusion to me, which he very diligently and industriously caused to be dispersed over the whole province, one of which I beg leave to inclose to you. The printing and publishing of which as it was in effect appealing to the people against the Judgement of that Court where he presided, and was in effect arraigning the Judgement of the two other Judges of the Court was, what in my apprehension might be attended with very improper consequences, and be introductive of very great inconveniencys as in truth it has, and thó M^r^ Morris in the latter part of this libellous pamphlet, for so I humbly conceive it

deserves to be stiled, very truly says, that a Judge may innocently err in opinion, yet I can hardly think that any Judge who should after the Judgement of a Court was given publish in print under his hand arguments against that opinion, would be Justifyed in an action of that kind; * * * * * you will Judge whether M^r^ Morris' behaviour herein ought to be considered only as an error of Judgement; for my own part I freely own to you I thought otherwise and thinking so I could not think him fit to be continued any longer in the Station of his Maj^ties^ Chief Justice; as to the letter to me it needs no observation of mine upon it, you will give it the consideration it deserves, and will only beg leave to assure you, that tho' honoured with his Maj^ties^ Commission of Gov^r^ of this Province M^r^ Morris has never once showed the least civility or respect to me, but on the contrary he made me wait, as I have before said, hours walking before the door of the Council room before he would deliver me the Seals he was in possession of as President of New Jersey, not that I assign this as a reason for removing him, tho' it is what may be very properly communicated to you * * * * * For that M^r^ Morris having thus publicly declared he would not hold Jurisdiction of any cause or matter in Equity, it became absolutely necessary to remove him, since otherwise no Revenue causes necessary to be brought in a Court of Equity could be commenced and all matters of fraud, breach of trust and matters of accident must go unredressed. * * * * *

I shall only add that things were came to that pass, that there was a necessity I should either displace M^r^ Morris or suffer his Maj^ties^ authority to be affronted and trampled upon and disrespected and irreverence to it taught from the Bench to the people, by him, who by his oath and office was obliged to support it; and as this was neither consistent with my duty nor my

inclination to bear I thought, his Majᵗᶦᵉˢ service required I should displace him, which I accordingly did and made the next Judge Mʳ Delancey Chief Justice in his room, and I am perswaded will be of opinion from what I have said, that I should have been blameworthy had I suffered Mʳ Morris, to have sat longer on that Bench and that you may see, I have not exercised any new or unusual power in this province, I will instance other Governours who have displaced Chief Justices for much less cause and I will go no further back than Mʳ Hunter who turned out Mʳ Mompesson from being Chief Justice of the Jerseys and made Mʳ Jamison Chief Justice in his room, afterwards Govʳ Burnett displaced Mʳ Jamison and appointed Mʳ Trent, upon Mʳ Trents death he appointed Mʳ Hooper and sometime after he displaced Mʳ Hooper and appointed Mʳ Farmer. Mʳ Delancey was the next Judge on the Bench and is a person of a very good Estate as well as of a very good Character and in every respect qualifyed to serve his Majesty in the station of Chief Justice of the Province having studied the Law from the time he left the University of Cambridge in England.

I am ettc,

W. Cosby

From Governor Cosby to the Lords of Trade—recommending John Schuyler for the Council of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. IV, F, 11.]

Letter from Colᵒ Cosby Govʳ of New Jersey, recommending John Schuyler, Esqʳ to supply a vacancy in yᵉ Council of that Prov-

ince by the Death of Col^{o} Peter Baird. Rec^{d} Octo^{br} 23^{d} 1734.

My Lords

Since I had the Honour last of writing to your Lordships a Vacancy in the Councill for the province of New Jersey happening by the death of Col^{l} Peter Baird I take the liberty of requesting Your Lordships favour of recom'ending to his Maj^{ty} John Schuyler of that province Esq^{r} to Succeed him.—The Gent^{n} whom I offer for your Lordships recomendation is one of the greatest riches [?] in this Country being Owner of the great Copper Mine in New Jersey from whence are sent yearly to the Bristoll Company considerable quantitys of copper Ore and a Gentm^{n} who not only in point of ffortune but capacity and Inclinations to Serve his Maj^{ty} I Esteem as the most fitt person to Succeed Col^{l} Baird in that Station

I therefore entreat the favour of your Lordships to recommend this Gentm^{n} to his Ma'tie for his Ma'ties approbation and appointment

I am My Lords
with the greatest respects Imaginable
Y^{r} Ldpes Most obed^{t} and most
faithfull humble Serv^{t}
W Cosby

N York the 7th Aug^{t} 1734

Petition of the Merchants of Bristol—against the approval of an Act passed by the New Jersey Assembly, laying a duty on all Copper Ore exported.

[From P. R. O. B. T. New Jersey, Vol. IV, F, 4.]

Order of the Committee of Council, referring to this Board the Petition of y^e^ Merch^ts^ of Bristol to His Majesty, complaining of an Act pass'd at New Jersey in Aug^st^ 1734, for ye better Support of that Governm^t^ by w^ch^ a Duty is laid on all Copper Oar Exported from thence not directly for Great Britain.

L. S.

At the Council Chamber Whitehall the 1^st^ day of November 1734

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.

His Majesty having been pleased to referr unto this Committee the humble Petition of the Subscribing Merchants and Traders within the City of Bristol complaining of An Act past in the General Assembly of the Province of New Jersey on the 16^th^ of August last Intituled—An Act for the better Support of that "Government" and transmitted home for his Majestys Royal Confirmation, whereby a Duty of forty Shillings a Tonn is laid on all Copper Oar exported from thence not directly for Great Britain, and humbly praying that they may be heard by their Counsel against the said Act, and that His Majesty will be pleased to

Repeal the same:——The Lords of the Committee this day took the same into Consideration and are hereby pleased to referr the said Petition (a Copy whereof is hereunto annexed)[1] to the Lords Commissioners for Trade and Plantations to Examine into the same and Report their Opinion thereupon to this Committee.—

JA^{S} VERNON

Letter from Mr. Fane to the Lords of Trade—referring to act for regulating fees passed in 1733.

[From P. R. O. B. T., New Jersey, Vol. IV., F, 3.]

M^{R} FANE'S Report together with Some Objections humbly offer'd against a New Jersey Act past in August 1733, for enforceing an Ordinance for establishing Fees, &c. Rec^{d} Dec^{br} 3, 1734.

TO THE RIGHT HON^{BLE} THE LORDS COMMISSIONERS OF TRADE AND PLANTATIONS.

My Lords,

IN OBEDIENCE to your Lordships Comands Signified to me by M^{r} Popple's Letter I have Considered an Act passed in New Jersey in 1733 Entitled an Act for the better Enforcing an Ordinance made for Establishing Fees and for Regulating the Practice of the Law and have been Attended upon it, by M^{r} Paris who has

[1] The printing of the petition thought to be unnecessary. To it were appended ninety-three names. The objections to the act were based upon the presumed effect thereof, "that the Imposing such a Duty may be a Great discouragement to the seeking after the Oare the same being brought home to be refined and Manufactured and if discouraged by a Tax abroad it will consequently lessen your Majestys Revenue at Home, the Copper and Brass Manufactories of this Kingdom and the Trade and Navigation to the American Plantations." The subject came up again in May and August, 1735.—ED.

Offered many Objections against the Confirmation of the said Act, and as they are of various kinds I beg leave to subjoin them to my Report and to Observe in Generall as no Defence has been made by the Agent of the Colony, tho he had notice of the matter being under my Consideration that I believe the objections are Unanswerable, which is humbly Submitted by

My Lords

Your Lordship's Most Obed^{t} Serv^{t}

FRAN: FANE.

3^{d} December 1734

Some of the Objecc'ns humbly offer'd against his Ma^{tys} Allowance or Confirmation of an Act of Assembly passed in New Jersey in August 1733

intituled

AN ACT for the better enforceing an Ordinance made for establishing Fees, & for regulating the Practice of the Law.

This Act bears, in it's front, a most popular, fashionable, & Specious Title, but when it comes to be lookt into will Appear to be built upon the wrongest principles, especially in a Trading Country, where no money is, but Credit must necessaryly be given; and to be designed to Strip all the honest Cred^{rs} of the Law and their Birthright, & of their Securitys for their Just Debts. To the discouragement of Officers of the Customs, To the creating and reviving Suits & Controversys and particularly full of the greatest hardships and injustice On the Professors of the Law, but without detaining you too long in a preface, please to take the following

OBSERVATIONS

1 *The* 1st Observac'on to be made, upon the Bill in generall, is, that it is pretended to establish an Ordinance heretofore made by the Govr for regulating ffees, but to prevent all man'er of opposic'on to the passing of the Act in New Jersey (how reasonable soever), it was past in a violent hurry. And this abundantly Appears on the face of the Act it Self (without inferring so from the absurdity and extravagancys w'ch we Shall find conteined in it) ffor the Govr Ordinance, w'ch was to be Established hereby, was Signed but *on the* 13th *of August*, That Ordinance was long in it Self, and was afterwards to be printed and published Then the Assembly were to take Notice of it, and to Order in a Bill. The Bill (which was yet much longer) was prepared and Engrossed and read three times in the Assembly, and Sent up, and passed by the Governour and Councill, and all finished *on the* 16th *of the Same August*; w'ch Space of time was Scarcely Suffict to write the Bill over. Notable dispatch indeed! so the Bill passed before any body could oppose it, Nay to this hour no Copys of it have been delivered out in New Jersey.

2 *As* much Dispatch as there was used in passing it there has been more delay in Sending it home for it appears on the back of the Original Act that tho it was passed 16 *August* 1733. the Governour never Sent it from thence till the 17th of June 1734, and it did not arrive here *till August* 1734, and, all this while, this very mischeivous Act Continues in full force, as not being yet disallowed by the Crown.

We have other Objecc'ons to be made, to the whole Act, but they will come better, after our Objecc'ons to the particular parts of it are Considered,

3 *In* the Ordinance the practitioners of the Law are not allowed, by any means adequate, or reasonable,

ffees; for they are to have but 1^{s} (New Jersey Mony) for any Affidavit, how long soever, nor but 3^{s} like mony for drawing any Bd in any Cause how long soever that may be; & many other ffees are by no means proportionate to the necessary Care and pains; but that is not what we would dwell on.

4 *By* the first Enacting Clause, Any p'son whatsoever, not Exacting, but *taking* greater ffees or *Even Rewards* (thô ever so voluntarily and reasonably given) is to forfeit 20^{l} and full costs, to be recov'rd not only by the p'son aggreived, but by any Stranger, And, upon a second Convicc'on (I don't know whether the Act means for the first Offence or not, there's nothing sayd to the Contrary) the offending party (if an Att^{y} at Law) is for ever disabled to practise.

This is exceedingly hard, that a Suitor, who is thoroughly convinced of the great Labour and pains, the great Skill and Assiduity, and the great ffidelity w'ch his Attorney has employed and Shewn, to his benefit, must not reward him for it, tho' he in his Conscience thinks he well deserves it, for, if he does, the Attorny must forfeit 20^{l} & full costs, nay, be deprived of his profession; & that at the Instance of any Stranger who has nothing to do with the matter but may owe some grudge to the Attorney. Besides it is restrictive of the natural right of mankind to dispose of their own as they think fitt, and the greatest discouragement to Attorneys to emulate and Excell each other in their just Care and Concern for their Clyents Advantage.

5 *By* the 2^{d} Enacting Clause The Attorney is to have no Term ffee untill, either the Term next following, or the Term in which the Defend^{t} is taken or the Process Serv^{d} But w'ch of these is intended, no body can tell by the Act. Suppose the Defend^{t} taken in January Term, is the Attorney to have a Term ffee in that Term, or not till April Term? The Act has not determined, And if the Attorny takes (as he ought in Justice) a

Term ffee for January Term it may be sayd, under this dubious Act, that he has contravened this Act, and is to forfeit 20l and full Costs & to be deprived of following his Profession.

6 *The* 3d Enacting Clause is a Proviso very dark and unintelligible, and not grammer or Sence, but we'll break it into pieces and Consider (as well as we can) what is the import of it, namely, that in all p'snal Acc'ons in the Supreme, and also in the Inferior Court, where the true and real Cause of Acc'on debt, damages Sustained, or value of the thing Demanded, does not exceed 20l. If the Acc'on is agreed before the first day of ye Term in which the Process is returnable, the ffees to be taken in any Such Acc'on, Shall amount to no more than £1, 6s, 9d in the Supreme Court, and 1s, 5d. in the Inferior Court, besides Milage, if the Party Shall be taken or Sum'oned on the first Process; Unless the Cause be Controverted, and then 6s more may be taken, in either Court.

Now this is not only fixing a Sum in Gross for all Sorts of Acc'ons, whether Short and Com'on, or ever so long difficult or extraordinary (which in it Self is neither just nor reasonable) but it takes away those very ffees which the Ordinance it Self established (tho' the declared purpose of this Act is to enforce that Ordinance) as for Instance

In the Supreme Court.

An Attorneys Bill made out accord'g to the Ordinance.

	£	s.	d.
To the Justices for alllowing every writ	0,	3,	0
To the Cl for Sealing every writ	0,	1,	0
For filing every Acc'on	0,	0,	9
Sheriffs Fees for Serving the Writ or Capias	0,	10,	0
And for the return	0,	0,	9
Practic'oners of the Law making out every Writ	0,	2,	6

Dr Declarac'on in Coses, w'ch may very well be 20 Sheets, but say 7 only	0,	7,	0
Entring such Decl. on the Roll	0,	5,	10
Copy to be Serv'd on the party	0,	2,	0
Term Fee	0,	6,	0
Warr^{t} of Att'y	0,	0,	9
	1,	19,	7

It is very certain that in Special Acc'ons on the Case &^{c} the Dec^{l} may be not only 7 sheets (The Sheets by the Act are to be just as long as Our Chancery Sheets in England) but may necessarily be a great many more, But, if so long only, The very Ordinance itself allows 1, 19, 7 as you see above, & yet by this Clause of the Act, if the *true and real* Debt or damage, be (some how or other) fixt und^{r} 20^{l} Tho' the Acc'on may be very Special, & bro^{t} p'haps to try a right of ever so great value, the ffees to be taken must be £1, 6s, 9d only.

This is the Case upon this Act, if the Acc'on is agreed before the return of the first Process—But the latter p^{t} of the Clause is worse yet. If the Suit be not agreed but Controverted, Then, truely 6^{l} more may be taken, in either Court.

Now we have above seen a fair legal Bill of 1, 19, 7, if the Cause be so agreed, To w'ch, if the Cause is Controverted, must be added the following, & many other, particulars, thus setled by the Ordinance, viz^{t}

To the Justices on the 1st Moc'on	0,	6,	0
For a writ of Enquiry	0,	3,	0
Taxing Costs	0,	4,	0
To the Cd for a Cop of the Defend^{ts} Plea Suppose one Sheet only	0,	0,	7
Entring Verdict & Judgment	0,	1,	0
Reading every Evidence, suppose one only	0,	0,	6

One Rule of Court & one cop	0,	1,	3
ffiling the Roll	0,	1,	0
Swearing a Jury	0,	3,	0
ffor a Writ of Enquiry	0,	1,	0
To the Sheriff for the Venire & return	0,	4,	6
The like on a Writ of Enquiry	0,	15,	0
Jurys ffees for Tryal	0,	12,	0
On the Writ of Enquiry	0,	12,	0
Cryer for Calling the Acc'on of the Jury & one witness only	0,	1,	7

The Practition^{rs} of the Law.

A Rept	0,	1,	0
Dv a Bo	0,	3,	0
Dv & Entd Judgment	0,	5,	0
One Moc'on	0,	6,	0
Fee upon Tryal	0.	14,	0
A Ticket for one Witness only	0,	0,	9
	6,	15,	9

All this is put at the very lowest rate, as —— —— allowed by the Ordinance, & for this 6, 15, 9 (if the Jury find und^{r} 20£ debt or damage, (whatsoever value the right in Contest may be) the Fees to be taken, for all this, are to be but £1 6s, 9d & 6s, in all £1, 12s, 9d.

7. The 4th Clause or proviso carrys on this affair in like extraordinary man'er, & in like dark ensnareing dubious expressions viz^{t}

In all such Acc'ons as afs^{d} in the Supreme Court where the true and real Cause of Acc'on *exceeds* 20$^{£}$ (Now the Acc'ons afs'^{d} are those *und^{r}* 20$^{£}$) If agreed before the 2^{d} Term where the Defend^{t} shall be taken on the 1st Process, the ffees to be taken (exclusive of Milage) shall Amount to 2$^{£}$ 10^{s} & no more—This tho' the Cause be of 1000$^{£}$ value and the utmost length of p'ceedings & intricasy, & yet the particular ffees ap-

pt^ed^ by the very Ordinance we see amount to £6 15s, 9d, So the Clyent must pay his Attorney, and must pay the Officers, Step by Step, as he go's on £6, 15, 9 out of his Pocket, according to Law, in the Shortest easyest Case that may be (& a great deal more if the pleadings are Long & Special) & when the Defend^t^ has kept him as long as ever he can out of his just Due, the p'lt is to have but 50^s^ Costs ag^t^ him Than w'ch there cannot be a greater encouragement given to dishonest Debs^rs^ to withold payment of ther debts nor a greater discouragement to an Cred^r^ to sue for his own—There is a long unintelligable peice of Jargon w'ch follows in this Clause, w'ch seems to mean nothing that is material to be further observed upon, save that in some cases (no body knows what) 6^s^ more may be taken, if Controverted, but that in no Sort weakens our Objecc'on

Surely By Law an honest Cred'r is intitled to the Legal Fees p'd out of pocket, when he recov'rs his debt

8. *The* 5^th^ Enacting Clause (or rather Proviso) still combats w^th^ the Title and declared purpose of the Act, for it destroys instead of enforces the Ordinance—But, to this Clause, The two former Clauses treated of ffees *to be taken*, this Speaks of Fees *to be taxed* (w^t^ the Act means by the distincc'on I know not) But the Costs to be taxed on any Judgment by Confession without a writ of Enquiry (which writ of Enquiry & all the Expences thereon are but £1 11s, 0d, & that leaves the Bills Amount at £5, 4s, 9d) shall not, in the whole, Amount to above 3£, including the 1^st^ Execu'con (but excluding Milage)

If I understand this Clause right (w'ch I'm farr from being sure of, this is a double and different p'vision for the same Case men'd in the 3d Clause of the Act

We left before	5,	4,	9
To w'ch we must add The Execu'con to the Judge	0,	3,	0
To the Cl	0,	1,	0
To the Sheriff of the lowest	0,	6,	0
	5,	14,	9

And this, the p'lt is to have but £3 for, at the most, neither in the Inferior Court, nor yet in the Supreme Court, unless the true and real Debt or damage exceed 20$^{£}$ & then 4$^{£}$ only

9 The Ordinance allows the Sheriff for serving every

writ---------- ---------- 0, 10,

and 3^{d} a mile forward & as much backwards for every mile beyond 8. Now Suppose the p'son at 20 miles distance (& often they are much farther) Then the Sheriffs just ffee Comes to 12^{s} for Milage, and so much no doubt he will expect & the P'lt or his Attorney must pay him. After w'ch the Act, in Clause the 6th provides that there Shall not in the whole be taxed above 5^{s} Milage, be the distance w^{t} it will.

10 The 7th Enacting Clause (or Proviso) again Provides that in all p'sonal Acc'ons in the Inferior Court, if the Defend^{t} shall be taken or Summoned on the first Process, tho' a Writ of Enquiry be necessary—as also in Acc'ons und^{r} 20^{ls} in the Supreme Court, the Costs, when taxed, shall not exceed 5^{l} besides the Costs of S'paing an attendance of Witnesses—And for Acc'ons of above 20$^{£s}$ in the Supreme Court, not more than 5$^{£}$, 10s,—Altho' the lowest ffees possible, appointed by the Ordinance must be £6, 15, 9 as before.

11 The 8th Clause or proviso directs that only one Moc'on, or one Cop and Service of a Rule, shall be taxed on any Judgm^{t} by nil dicit non informatus or Confession, And, if there be Tryal & Judgment, whether by Verdict or Demurrer, not more than 2 moc'ons or 2 Copys & Serv: of Rule, tho' there should be (as often there is) many more Moc'ons & Rules

12 The 9th Clause or Proviso Shews that the Assembly were aware they had (as we now Contend) greatly Lessined the Legal ffees appt^{ed} by the Ordinance, & w'ch in themselves are unreasonably Small, And therefore, that the Plt or his Attorney might not be the

Sufferer (w'ch we Suppose he *must* be) they have p'vided a remedy, but such an One as Shews the great Prudence & wisdom of this Assembly, how well they had considered and digested this Popular Scheme, for regulating ffees and amending the Law, The remedy is no other than this That when a Cause is finished & over, & the Bill of Costs comes to be taxed, if the Particular ffees Charged in Such Bill by Virtue of the Ordinance, shall exceed w^{t} the Act allows to be taxed in Gross, Then—Every Officer (except the Judges) shall p'porc'onably abate, so as to bring it down to the Gross sum allowed to be taxed. But when the Plt or his Attorney has p^{d} the mony to every Officer long time ago, Step by Step as the Cause proceeded, how is it to be got back again? Are Suits to be bro^{t} against Each Officer in Each Acc'on to refund 8^{d} or 1^{s}, Or Suppose the Officers are dead or removed into Another Province whats to be done then? Surely no Legislature before, ever calculated so wild, so rude, so absurd, mischievous & impracticable a Scheme, w'ch must of absolute necessity involve every Suitor and practiser in Endless Suits and Controversys—This Clause is tagged, at the latter end, wth ano^{r} very reasonable Proviso, That even these ffees thereby allowed, low as they are, shall not be, in all Events, allowed; No, Only when the real Services p'form^{d} Amount to so much; That may be reasonable; But then is it not as reasonable, if the real Services p'formed Amount to more, that those shall be paid for? No, Say the Assembly. But Surely this must destroy all care and industry & applicac'on in the practisers of the Law, when, let the Cause be ever so long and intricate, and their Trouble ever so great, they must be p^{d} only at the Comon lowedst rate, as if there were nothing extraordinary in it.

13 The 10th Clause (w'ch is pt of a Proviso) is yet more mischievous for it retrospects & provides that if

Bills have heretofore (no body knows how farr back) been Over taxed, or any p'son thinks so, they may Apply to the Court and have them retaxed psuant to this New Law and new Ordinance And this has no restricc'on or Limitac'on in point of time

14. The 11th Clause Enacts, that, in Ord^{r} to the pty aggrieved his obtein^{g} Satisfac'con, where a Bill has been taxed & (as he thinks) too high, he may demand of his Attorny a cop' of the Bill so taxed by the Prothonotary or Ma^{r} of the Court, & if the Attorney, on tender of 1^{s} doe not give it, (tho' phaps it may have been lost and burnt 20 y^{rs} ago when the Affair was (thought to be) quite over & the money paid) what then? Then the Attorney is to forfeit 10$^{£}$ and that, not only to the party grieved, alone, but to any Stranger that will please to sue for it, & full Costs of Suit. This pretty Scheme may retax every practisers Bill, for all times past, And so many bills as he has lost, so many 10$^{£}$ he is to forfeit, & must wonderfully prevent Suits and make people very easy and Quiet in New Jersey—But the Clause gos on further, and if on Moc'on the Atty does not p'duce the Orig^{l} Bill, the fact is to be taken as admitted, whether it be in his power to p'duce it or not.

15 We skip now over the 12th to the 13th Clause, in Ord^{r} that we may Consid^{r} altogether the Sev^{l} parts w'ch relate to the Practisers of the Law, And this Enacts that no pson shall be at any time hereafter *admitted* to practise as an Atty but such as are Skilled in the Law [who's to try that, not their Judges in New Jersey Sure] of good name & & who have Served at least 7 y^{rs} Apprenticeship to an Able licensed Atty, or has Studyed the Law 4 y^{rs} at least after he came of full age—How their Judges may understand this word *admitted* I know not, whether they may not pretty fairly construe it *permitted.* And if so, possibly the Scheme may be to throw out and exclude the whole

p^r^sent Sett of Practisers, in Ord^r^ to lett in a new Sett, who must pay so many 20^s^ to the Gov^r^ for their Licences, and so many 20^s^ to his Sec'^y^, and so many 10^s^ to his Cheif Judge; If so, His Ex^cy^ may raise a pretty sum of money & may do (as has been done in other places) turn a bill, for the regulating the Practisers of the Law, into a money Bill.

We have now Considered so much of this unreasonable and Absurd Act as particularly relates to the Practisers of the Law, and some parts of it that relate to Pl'ts too, And we may venture to say, that no gen^ll^ rules layd down by a Legislature, for Costs of Suits, can be just and adequate and well p'porc'oned to all Cases. If large ffees are demanded, the Prothonetarys & Ma^rs^ of the Several Courts, who are Acquainted with & can look into the particular Circumstances of each particular Cause, They, & they only, can Settle and tax Bills, w^th^ equality and Justice, to the Suitor & practiser both.

16 We go back now to the 12^th^ Clause, And this relates to the Offic^r^ of the customs ffees. Those p'sons it seems are to be Struck at, as well as the practisers of the Law. Those p'sons have their direcc'ons no doubt from the Com^rs^ and better direcc'ons than this Act will give them, but this Act has established their ffees likewise, and a Collector must lereate [?] this Law if for every Single 6^d^ or 4^d^½ ffee (New Jersey money) he does not write and deliver unaskt, a bill; & also, if he doe not (when p^d^) deliver a rec^t^, & this, unaskt— And if Either of these Sho^d^ be askt and refused, he forfeits 10^s^ and full Costs, either to the party greived or to any Stranger, Now as Officers of the Customs are not much respected, especially in America, the Crown must either provide at great charges 4 times the number it now has there in Ord^r^ to comply with this Act, or else the Officers must be, for ever harrast w^th^ Suits, and neglect their business, and be ruined,

for not giving out So many thousands of bills and rec^ts as are necessary.

17 The 14^th Clause, & w^t follows it, highly affects ev^ry Merch^t, Trader, Landed Man and other person who has any Concern in that Province, For it destroys all Credit, w'ch is what they must support themselves by, and Takes away from all People that Security for their debts w'ch the Com'on Law allowes, and their Debtors expressly agreed to give them; I mean the Security of the D^rs psons. And this is a very dangerous Step, Since the parts of America do not abound with people more honest and willing to pay their debts than England may. In Short the Act Enacts That in all Causes hereafter in the Supreme Court for und^r 20^£, The 1^st process shall be a Sum'ons, Not gone so far as £20— here. And an Appearance or Com'on Bail shall be accepted. This is going a great deal further than we have done in England, And that in a place the Circumstances whereof will by no means allow it; for, as they have no Currency of money or other medium in Trade, Credit must necessarily be given by Man to Man in Ord^r to carry on some dealings, but then, to Support Such Credit & to make men Honest & punctual, Mankind sho^d be und^r some terror of punishm^t (as for instance in the detention of their p'sons) if they don't Satisfy their Cred^rs But on the contrary this Act p'vides that the Debtor when he has quite tired out his honest Cred^rs patence, shall have a notice Sent him that he may Step out of the bounds of the Province (it may be half a —— mile or over a small River and avoid paying his Cred^r & laugh at him. This is a clause of a most extraordinary nature and very much discourages Trade, & will be of great damage to the Merch^ts there & in great Britain also—The latter part of the Clause gives a Pl't (if he Chance finally to recover but und^r 20^£) in the Supreme Court, where the ffees are larger, no more Costs than if 'twere in the inferior Court, where the ffees are Smaller, so that a poor Pl't, who

may be in the utmost distress & hast to recov^{r} a just debt due to him in Ord^{r} to save his own Credit, Must (for fear of loosing his Costs in the Supreme Court if a Jury sho^{d} give him but 20$^{£}$) begin a tedious Suit in the inferior Court first, & travel through that & the Superior Court both, And for w^{t} reason is this? why in favour to a dishonest D^{r} least such D^{r} should pay 20^{s} extraordinary for being Sued in the Supreme Court, And, to give such a D^{r} a greater delay, to wthhold the Poor Pl'ts money; So that he who has done the wrong is to profit by it, And he who innocently Suffers the 1st Injury, in not being pay'd must Suffer another and wait so much longer & travel through two Courts instead of One, w'ch is no doubt a very wise and just provision, but this is a trifle to w^{t} follows

18 The 15th Clause is astonishing beyond measure, how it could enter into the heart of any Legislature to Enact. A. in the County sends up to his Attorney a bond to be put in Suit. The Attorney Sues the Obligor and recovers Judgment, The Ma^{r} or Sworn Offic^{r} of the Court Taxes Costs. Now if this Officer of the Court allows One Penny Costs more than this Act directs, And this Act is so doubtful in many places, that it may be understood different ways (pticularly now abo^{t} the Term ffee, w'ch is a part of the Costs) Then the Defend^{t} is to bring a writ of Error & to Assign this undue taxac'on w'ch is no Act of the partys, nor of his Attorneys, but of the Sworn Officer of the Court, for Error, w'ch shall be good & the Judgm^{t} is to be reversed for the same; & not only so, but the Defend^{t} is to recover *Double Costs* of Suit. This is too Gross to need any comment, but we may say the Assembly have been very happy in finding out so many ways to encourage an ill Debtor and to discourage the honest Cred^{r} For w'ch there can be but one possible reason assigned, w'ch is a very obvious One.

19 The 16 Clause is not quite so grievous as some others, but here, as every where, the same tender Care

of the Debtor appears, and the like hardship & delay upon the honest Cred^{r} For when the Pl'ts Cause is ripe for a writ of Enquiry he must not take it out, but must first bring the Defend^{t} into Court, to know if he'l confess Judgm^{t} or not, And if he dos Confess Judgm^{t} he shall have a stay of Execucon entred, so that the D^{r} is to have all the delay he any way might have had, but is not to pay any Costs for it, but if the Cred^{r} wants dispatch, and therefore sues at once in the superior Court, he must lose his Costs bona fide paid out of purse according to Law, as men^{d} in the foregoing Ar'cle.

20 The 17th Clause improves upon ths, For if a Man has severall Obligac'ons or other Causes of Acc'on against another, w'ch can possibly be joyned in one, it shall be a good Plea in Abatem^{t} to 'em if they are sued, Sev^{lly} and not joyned in One Acc'on and the Defend^{t} shall be thereupon intitled to full Costs of Suit. This Strips every Cred^{r} of his Birthright & the Law of the Land, For his D^{r} may have some known visible Estate or Effects to Answer one bond, and he may many ways conceal other and by farr the greater part of his Estate, Now by Law the Pl't, on two Suits, may take out two different execuc'ons one against the p'son and ano^{r} ag^{t} the Effects, and by that means, Only, may obtain his just due, but if he is confined to one Suit only, he must make his Elec'con w'ch Sort of Execuc'on h'ell take; and thereby may leave a part, or the whole, of his Debt, But it seems that is of small Consequence so as the Debtor be but taken care of.

21 The 18th Clause doe yet out do All the preceding Ones ffor it if 2 or 3 psons are Severally bound in one bond for the same Debt, And the Cred^{r} who wants his mony, Sues them sev^{elly}; that so the best of them may pay him, as fast as they can, he must Stop and make his Elecc'on (upon the Defend^{ts} request) w'ch one of them, only, h'ell pceed ag^{t} & no proceeding to be

against any of the others till after a return of a capias ad Satisfaciendum or fieri facias ag^{t} such One, Now Considring the Suit to be convened in the Inferior Court, then to go by writ of Error to the Supreme Court, after that, by App^{l} home to the King in Col^{l}, (w'ch alone will take up two years) by that time the Pl't comes to take out Execuc'on the man he elected may be insolvent, and the p'sons against whom he would have pceeded, and who phaps were at first in good Circumstances, may become insolvent too, or gone out of the Province, And so the honest Cred^{r} lose his just Debt, w'ch it seems the Assembly had rather, Sho^{d} be the Case, than that the D^{r} or his Co-obligor, Should be put to the trifling expence of a Short Acc'on

22 The 19th & 20th Clauses Enact that a former Law for setting off Debts shall extend to Cases where the Debts are of different degrees or dignitys, and also Debts due from A's Testator or Intestate may be Sett off ag^{t} the debt due to A in his own right, w'ch, however reasonable it may be in itself, Sho^{d} have had relation to all future Causes to be bro^{t}, & not have retrospecc'on, and thereby create endless doubts and inconveniencys in Suits at that very time depending.

23 The 21st Clause Enacts that all Acts of pliam^{t} for aiding of impfecc'ons in pleadings &c, All the Statutes of Ieofail [?] & Statutes for Amendm^{t} of the Law shall (in a lump) be in full force in the Province, where as were it worth the while to examine Sev^{ll} of them repeal others, so that this is an irregular Clause

24 The 22^{d} Clause Directs that in All Causes Sci: facias's ag^{t} Bail to be directed into the County where the Bail reside, And the Sheriff shall do his Utmost to serve them & not return nihil, unless he cannot do otherwise [This may possibly include the Kings Causes] and if the pcess shall be directed otherwise, all the Subsequent proceedings shall be void and set aside on Moc'on, *wth full Costs*, and the Party greived shall have an Acc'on ag^{t} the Sheriff and recover *Double*

Damages and *full Costs*. Still they take care of their Debtors

25 The last Clause continues this Act in force for 2 yrs and to the end of the next Session of Assembly, And it appears tho' the Act was past in so much hurry, yet it was kept from the Board of Trade One of the two years that it was to have Continuance for. However, Assemblys are not very frequent in New Jersey (I think not every year) And the Act, unless it be disallowed, may have a long Continuance, and may do a great deal more mischeif than it hitherto has, and besides if it be not repealed the Assembly there may take heart, and Continue it for a longer time

26 The Act is a very long One, and has been spoke to in evry part of it, And upon the Complexion of it in genll One may fairly presume that the Majority of the Assembly were Debtors, and not Credrs And the sum and Substance of this their Act, tho' so long and so much clouded and disguised with a Multitude of words might have been couched in these 4 Short Negatives and one Affirmative

We will pay no Law Fees
We will have no Lawyers
We will pay no Custom house ffees
Neither will we pay any Debts
But we'l punish every man that shall prtend to sue for his Own.

27 Certainly there never was such an Act sent over, and yet we have not done wth our weighty objecc'ons For the last Govr Mr Burnett past an Act for the Shortning of Law Suits and regulating the Practice and practitioners of the Law and other Officers; w'ch Act, thô undr a different Title tended to the same End wth this, and was of equal nature and for the same purpose. That Act was disallowed by his Majesty in the first year of his Reign, and for

Upon looking into the former Act, here Spoke of, That prejudiced the Supreme Court in like man'er as this do's by discouraging Suits being brought there—That Act likewise discouraged Pl'ts to bring Suits any where at all, by obliging them to give Security &c.

w^t^ reason? Only because it was like Ano^r^ Act w'ch had been formerly (before that) past & repealed by the Crown, and had no Clause to Suspend its force till the Crowns pleasure known. For. by The p^r^sent Gov^rs^ Col Crosby and all other Gov^rs^ Instr'ns from the Crown, No Act, once disallowed of, is to be re enacted without a Proviso incerted in it Suspending the force of the Act until approved of by the Crown. This 3^d^ Act, like that Second, has no such Proviso, And is therefore past indirect opposition to the Gov^rs^ Instructions in that respect, And is more extraordinary Since it is the 3^d^ Act of the same nature that the Assembly have (at four years distance) attempted to force upon the Crown, as soon as they thought the Officers of the Crown might have forgot the former Applicacons.

28 Again by this Gov^r^ and all other Governours Instructions No Acts of a new & extraordinary nature are to be past without a Proviso to Suspend the force of them till approved by the Crown This Act is Surely of a new & of a very extraordinary nature throughout (more especially in the Ar'cles herein markt 17. 18. 20. 21.) Yet has no Such Suspending Clause, and is therefore past, in that respect also, in plain Contradicc'on to his Majestys Royal Ord^rs^ and Instructions.

29 *Lastly* the Express power and Direcc'on given by the Kings Com^n^ and Instr^ns^ the Governour of New Jersey and of all other Plantac'ons relating to passing Laws is, That they be not repugnant but as near as may be agreeable to the Laws and Statutes of Great Britain, But this Act is, in many instances before observed, directly repugnant to the Laws of Great Britain, And in that respect, likewise past, Contrary to the Power and Authority and Instr^ns^ given by his Majesty to the Governour of New Jersey

Wherefore upon the whole As this Act is in its own nature so unjust & unreasonable, in so many different

respects So contrary & directly opposite to the Laws of this Land

And so plainly against the Direcc'ons & Comands given by his Ma^{tys} Comiss^{n} & Instrucc'ons given by the Gov^{r} of New Jersey

Its humbly hoped his Ma^{ty} will be graciously pleased forthwith to declare his Royal Repeal & Disallowance thereof.

From Governor Cosby to the Lords of Trade—about James Alexander and Lewis Morris.

[From N. Y. Col. Docts., Vol. VI, p. 20.]

My Lords

I have very long declined laying before your Lordships the behaviour of a certain Member of his Majesty's Council here, while I had the least hopes of his return to his duty, upon this prospect I have been born with many inconveniences his dangerous conduct still growing upon my patience til his Majesty's Service and the safety of this Province demanded that I shou'd explain this man to your Hon^{ble} Board

M^{r} James Alexander is the person whome I have too much ocation to mention, at my first arrival I found that the late President Van Dam had employ'd him in the payment of the forces, and for that reason I show'd him all the Civility in my power, but no sooner did Van Dam and the late Cheif Justice Morris (the later especially) begin to treat my Administration with rudeness and ill manners, then I found Alexander to be at the head of a scheme to give all imaginable uneasiness to the Governm^{t}[1] by infusing into and making the worst impressions in the minds of the people, A Press supported by him and his party began to sworm

1Under date of June 19th, "Gov. Cosby wrote, "Van Dam is very old, past the use of his own reason and given up intirely to the management of Morris & Alexander. —N. Y. Col. Docts., Vol. VI, p. 7.—Ed.

with the most verulent libels, Scurrilous and abusive pamphlets publish'd against the Ministry, and other persons of Great honnour and quality in England were reviv'd and reprinted here, with such alterations as served to incense and enrage the people against the Governour, the Council, the Assembly and all Magistrates in general, no man in his Majesty's Service tho' many had been ten and twenty years, in the same employments was spar'd, all were equaly made the objects of rage and fury with a deluded and unreasonable mob, and that some of them were not made a Sacrifice to this fitt of madness, is matter of wonder to themselves as well as to many others some of these peapers giving very plain hints, also that the Governour was in no greater Safety then his friends.

Cabals were form'd against the Government and a meeting of their factious men is still held several nights in the week at a private lodging which I have discover'd Alexander always p^r^sent and Morris, till he lately fled privately for England, in great fear as tis publickly reported least the printer of their Seditious libel should discover him, for these reasons it is, that I have not lately requir'd Alexanders presence in Council

One particular and remarkable instance of the most abominable and detestable villany that ever was committed, I shall barely mention referring your Lordships to are port of a fullCommitte of the Council of this Province which I send enclos'd, the person whose life Caracter and fortune were struck at, is M^r^ Harison one of the eldest Members of that Board, y^r^ Lordships will see where the Instrument intended to destroy him was dropp'd, how found & by whose vilanous blank affidavit (a common practice with Alexander and Morris) the same was imputed and charged to him at that Critical Juncture, when the passions of the people who were to be his tryers, were rais'd to the highest pitch against all who avowedly declar'd their resolution, to

stand or fall in a steady active opposition to the enemies of the Government M^r^ Harison has for twenty-six years past, been employ'd in very considerable trusts, by the Gov^t^, tho' with little profit to himself his sturdy adherence to the present Establishment, his known and long experienc'd fidelity, to Lord Lovelace, M^r^ Hunter and his successors here recommended him to me, while Alexander, Morris and the disaffected party were thereby become his mortal enemies, and thus resolved to make him the first offering to a licentious Mob, who have very much injurd' him in his circumstances, tho' I with mine and the fav^rs^ of his friends in England have us'd all power and just means to support him under the highest injustice, and most cruel oppression, and I confess it is with pleasure I see him again gathering Spirit and ability to erect himself against the enemies of the Government.

My Lord at this distance from England I am not able to trace the facts, but I am assured that this Alexander (some years since a teacher of navigation on board of one of his Majesty's Shipps) was turn'd away and dismissed from the Service for disaffection to the protestant Succession, and refuseing the Oath's to the Governm^t^, some of his intimates on board having discover'd him to his Commander, and now while I am writeing, after the Council had order'd certain Seditious libels, tending to open rebellion, to be burnt by the hands of the common Hangman, that the printer of them be committed to the Common Goal, and prosecuted by the Attorney Gen^ll^ and a proclamation issued by their unanimous advice (a Grand Jury also having presented the same libels) with a reward of fifty pounds for the discovery of the Author of them, this man James Alexander has apeared as the printers Council and attorney for several successive days before the Cheif Justice James De Lancy Esq:

attended by William Smith Att^{y} at Law, another declar'd incendiary, and one Jansen and Aldeman chosen as their audacious libels set forth in opposition to, and in a different interest from that of the Government, for these reasons I intreat your Lords'ps to intercede with his Majesty that a Member of Council whose behavour has declar'd him to be in an intrest opposite to that of the Crown, who is dayly inciteing the unthinking people to sedition, riot and insurrection by blackening and asperseing his fellow Members of that board, and all others whose loyalty and integrity have recommended them to my predecessors and myself, may be removed from a seat to which he is the greatest disgrace and dishonour, and I hope y^{r} Lordships will be so good to move his Majesty in ord^{r} that a Commission be granted for John Moor to succeed James Alexander as Counciller in the Province of New York; as I have in another letter given you a Caracter of M^{r} Moor, I will not here trouble your Lordships with a repetition of it

My Lords the removal of Lewis Morris late cheif Justice of this Province has already been of consequence to his Majesty's affairs here, his successor James De Lancy Esq; having upon some very important occations exerted himself with so great prudence, steadiness and resolution as has in great measure allay'd the heats of the Common people, and defated the factious designs of his predeceser, enrag'd at this worthy Gentlemans conduct and success, and almost distracted with the disapointment Morris is privately embark'd for England laden with complaints, false affidavits, and certificates of his behavour, some (as is said) forged and all glean'd from the meanest labourers, tradesmen and Artificers neither he nor his confederates having with all their wicked Acts, been able to seduce any men of honour, credit or reputation, except a very few whose principals and inclinations

wanted no incitement to create disorder and confusion, upon the weak hopes they had entertain'd and which they have often spoke out, that a new Parliament would introduce a New Ministry, and that something more would follow, which I shall unwillingly name to your Lordships, unless I see a continuance of their misbehaviour, which I do not expect now the principle incendary has left them to the support of Alexander whose credit is growing very low

My Lords I had scarce set foot in New Jersey when M^r^ Morris declar'd he wou'd never appear in Councill while I remained Govern^r^ he had been President there after the death of Coll Montgomerie, and had acted with a very high hand, and in the most arbitrary manner he had turn'd several good and loyal old Servants and Officers in the County out of employments without the consent of his Majesty's Council, and in open contempt of the royal orders and instructions, to make room for sons in law and other relations, he sat and acted as Chancellor, and made a decree without regular notice given, or hearing of the party's, while in that and this Province, ever since I came hither, he has been loudly declaiming against all Governors who have hitherto sat as Chancellors and assureing the Country that no decrees of that Court or any other Court of equity here are binding on the subject, and that his Majesty has no right to establish any such Court here, your Lordships well knowes the consequence of these doctrines, and to the leasure of your Hon^ble^ Board I must resign then them and the Authors of them, amongst whome I mustreckon Van Dam or at least as a publisher who frequently prostitutes his name to the same purposes, tho' his capacity will not admit that I should believe him to be writer of even their mean performances, your Lordships have already been pleased to inquire into his conduct, which as I doubt not will merit your displeasure in such

manner as to have him in no farther power or authority here, therefore I beg leave to recommend Paul Richards to be put in his room as Counciller, whos caracter I have already sett fourth in another letter if I were not assured that the change will be very much for his Majesty's Service and to the publick satisfaction, I trouble your Lordships no further on that head

My Lords I have had thoughts of sending your Lordships the detale of perticulars in Mr Morris's beheavour but I satt a more Just value upon your Lordships time, and if any thing of that kind should attend you, it shall be in a separate paper, one thing I belive he will complain of, that I have not Summon'd him to Council of late in New Jersey, My Lords his residence is always in this Government, and whenever the Assembly meets in New Jersey, the method is to issue out a proclimation requireing the attendance of the Council likewise, who stay with me upon the spot dureing the whole Session, it being impracticable as they live very remote from each other, as well as from the place, where the Assemblys are by law alternately to sit, to call them together upon the necessary emergency (their distances from each other, as well as from these places being so great) if they were to separate at pleasure as the Council of New York does, the Majority of whome reside in this City, and to these proclimations neither Morris nor Alexander who is of the Council there as well as here, have ever pay'd the least regard since the seventh of August 1732 which was seven days after my arrival

My Lords the Just value I have for the Provinces which I have the honnour to govern, the earnest desire I have to see their Inhabitants enjoy in peace and quiet the blessings of his Majesty's mild and Glorious Administration and those great liberty's and priviledges which they held by his Royal bounty, will

always incline me to do for them while I am among them, and to wish them well whenever I am to leave them, No greater Service can I doe them at present then to use all my credit with your Lordships, that you would be pleased to move his Majesty in order that a Commission be granted to Robert Lettice Hooper Cheif Justice of the Jersey's to succeed Lewis Morris as one of his Majesty's Council in the Jerseys a person who truly affectionate to his Majtys royal house and in very great esteem and reputation in his country. My Lords I must not omit to inform your Lordships that a mislead populace in this City had in September last elected their annual Majistrates and chosen their Aldermen and Common Councel, out of such as were followers of the leaders above named, they very soon, though to late, began to reflect upon their own folly and madness in throwing out of office several Gentlemen of the best fortunes and greatest influence here, who were their own constant employers and Cheif support, publickly wishing that they could recall those weak papers which Morris and Alexander have prevailed upon them to sign, without aprehending their design or intention of them.

My Lords if you are pleased to assist these my requests I solemnly assure your Lordships that you will lay the highest obligations upon many thousands of his Majestys best and most loyal subjects in both Provinces, that you will secure the fidelity of all, and at the same time, do a thing for which I and my successors shall ever be obliged to your Lordships

New York I am my Lords, with the greatest
Dec: the 6 1734 respect imaginable Yr Lordships
Lords of Trade &c Most obedt humble Servt
W. Cosby.

Endd: Recd Jan: the 22 $173\frac{4}{5}$
Read Augst the 14 1735.

Governor Cosby to the Lords of Trade—recommending several changes in the Council of New Jersey, etc.

[From N. Y. Col. Docts., Vol. V, p. 24.]

My Lords,

[Extract.]

* * * In my letter which I did myself the honour to write to your Lordships of the 17 of June last, I recommend three Gentlemen to witt, Côll.º Thomas Farmer, Docter John Rodman and Mr Richard Smith; I begg pardon My Lords It was a mistake the three persons deceased were not named, whom they ware to be succeeded by, it should have been thus Côll Farmer to succeed John Johnson who first died, Mr Rodman in the room of John Parker and Mr. Smith in the room of James Smith Since then I took the liberty to recom'end John Schuyler in the room of Côll Peter Baird deceased, I must beg leave to observe to your Lordshipps that I recom'ended Côll Provoost who succeeded Mr Hogg who dyed in Côll Montgomerie's time, In one of my letters which goe with this to your Lordships I have given reasons for the removal of Lewis Morris from the Council which I hope your Lordships will approve of: I would then begg you would move his Majesty that Robert Lettice Hooper Cheif Justice of the Province may be appointed Councillor to succeed Lewis Morris * * * *

I hope your Lordships will be so good for the many reasons I have given for the removeing Rip Van Dam and James Alexander from the Councill of this Province, that you will be pleased to move his Majesty that Paul Richard and John Moore may be Councillors in their room, being two Gentlemen who are greatly beloved and esteemed for their worthy Caractors and

ability's they also having great possessions in land as well as very great share in carrying on the trade of this Province, I could not recom'end two fitter to serve his Majesty in his Council my Lords:

* * * * * *

My Lords it is Just now come into my head, that it is not unlikely but that Mr Morris, who is gone over may say, that there was sent a Sergant with a file of men to stop him, so farr from it that I do assure you my Lords, if he had sent to me for a pass to goe for England I would have readily have granted to him your Lordships well know that desersion is very common where there are Soldiers and often they desert and get on board Sloops and ships that goe from hence, a Capn mist a man, and found that he had deserted and had intelligence, that he went to the Hook on the Jersey side in order to gett on board Captn Payter, the Captn himself saying two or three days before there had been a man bargaining with him for his passage upon which the Capn sent down a Sergant with a file of men in order to take him in case he should attempt to goe on board at the Hook this my Lords is the truth of the whole matter

I am my Lords with the greatest respect Imaginable Your Lordships most obedt and most humble Servant

W. Cosby

New York the 7 Decr 1734.

To the Lords of Trade

Petition against an Act of the New Jersey Assembly regulating Fees, etc.

[From P. R. O. B. T. New Jersey, Vol. IV, F, 2.]

Petic'on for a Report against the New Jersey Act for the better enforceing an Ordinance, &c.

pass'd in August 1733 Rec^{d} from Mr. Paris 7th 1734

To the Right Honourable the Lords Commissioners for Trade and Plantations.

The humble Petition of James Alexander, John Chambers, Willam Smith, Joseph Murray, & Abraham Lodge Esq^{rs} of the Province of New Jersey in America.

Sheweth

That on the 13th of August 1733. his Ma^{tys} Governor of New Jersey Sign'd an Ordinance for regulating Fees in that Province, which was a very long one & was to be printed & published afterwards,

Nevertheless so soon as upon the 16th of the same August, a much longer Act of Assembly was finally Passed there reciting the said Ordinance at full length, & bearing a Specious Title, namely, An Act for the better enforceing an Ordinance made for establishing Fees, & for regulating the practice of the Law.

That the said Act was not transmitted from New Jersey till above Ten months after the passing, but being at length transmitted, your Petic'oners instantly attended the Councill to this Board with a great number of Objections to Every Single part of this Law, ariseing Upon the face of the Act itself, And your Petic'oners are informed that he has made some Report upon the s^{d} Act to your Lo'pps.

That the s^{d} Act, notwithstanding its Specious Title, is calculated throughout the whole, to prevent & deterr every honest Creditor from Sueing for or recovering his Just debts & punishes & discourages by all the ways that could be invented, each person who shall sue for his own, but at the same time gives all Sorts of

Encouragement delay & temptation to dishonest Debtors to avoid paying their debts.

And is conceived to strip every Creditor, not only of the Law of this Kingdom & his Birthright, but also to take from them those very Securitys for their debts which their Debtors themselves had stipulated & expressly agreed to give them, to the great discouragement of all Trade & Credit; And Contains many other unreasonable hardships

Insomuch that your Petn^{rs} are advised the Same Act appears to be Passed, Contrary to Law, & to the Governors Comission & Instruc'ons, & to be of a most unusual & extraordinary Nature

That the s^{d} Act has now been in force ever since August 1733 (having no Suspending Clause therein) And so long as the same continues in force your Petn^{rs} nor any other Creditor can safely sue to recover their just debts.

Wherefore your Petn^{rs} humbly pray your Lordshipps That you will please forthwith to take the s^{d} Act into your Consideration And to Report the same to his Majesty as proper for his Royal Disapprobation & Disallowance, Or, otherwise, that your Petn^{rs} may be heard before your Lordships ag^{t} the s^{d} Act And your Petn^{rs} shall ever pray

Jno Paris

for the Petitioners

Letter from Richard Partridge, Agent of New Jersey, to Secretary Popple—about Export Duty on Copper Ore.

[From P. R. O. B. T., New Jersey, Vol. IV, F, 10.]

Lr from Mr Partridge in Vindication of the Act laying a Duty on Copper Ore Exported to the other Plantations[1]

Secretary Popple

The short notice I had for the defence and support of ye New Jersie Act Intituled an Act For the further Support of the Government, would scarce allow me time to be sufficiently prepared as I ought to have been, and therefore I take the liberty to communicate to thee some further observations that have since occurred, but whether or no they may be in season I shall submit to thy consideration, which are as foll.'

That they allways put Copper Ore up in Casks (as Merchandz) when they ship it off, & not in loose bulk as they do Ballass.

That Ships of 100 Tuns burthen & under may load with that Comodity, only putting a few light Goods atop, as several have done and sailed for Bristol.

That Ships frequently go to Amboy from New York to take in Casks of Copper Ore without paying any duty, only giving Bond According to ye Act, and then return to N. York, take in ye rest of their Loading

[1] The objections of the Merchants of Bristol were based upon the fact as stated in a letter from Mr. Fane to the Lords of Trade that "when the Merchants cannot get an opportunity of Exporting their Copper Ore directly from Jersey to Great Britain they carry it to some of the Neighboring Provinces for that purpose; and therefore the imposing of this duty is not only an Evasion of the Laws in being but it is also highly prejudicial to the Trade and Navigation of this Kingdom."—Ed.

(provided they do not Land it) and proceed to Great Britain.

That some Ships have loaded at Amboy with Staves Timber &c and come with it directly to some Port in y^e^ West of Engl^d^

The substance of these Informations I had lately from Cap^t^ Tho^s^ Smith y^e^ oldest comand^r^ in the N. York Trade now in London who I doubt not will Testifie to the Truth of them when ever he is required.

And now as I conceive no Act of Trade is infringed by our s^d^ Act nor any prohibition or duty imposed on the said Ore coming directly from New Jersie, but the Port there left intirely open & free for ye exportation of it from thence to Great Britain, I humbly hope the Lords of Trade will not Report their opinion to the King in Council for repealing the Act.

Or if the Governo^r^ should be directed to get it repealed there I am realy of opinion he will not be able with all the Skill and Rhetorick he is capable off to prevail with the People to re Enact the other parts of it (alone) whereby y^e^ paym^t^ of His Salary is directed and appointed, which will in such Case therefore become very precarious and occasion a danger of his being intirely deprived of that support which the King could not but expect should be granted to enable him to transact y^r^ Affairs in y^e^ administration of the Government there.

I have not yet had a Copy of the Bristol Petition against the aforesaid Act I beg therefore thou wouldst favour me with it who am

Thy Friend

R^p^ Partridge

Lond^o^ 6^th^ $\frac{6}{m}$ or Aug^t^ y^e^ 6^th^ 1735

pray lay this before the Lords of Trade

Address from the Lords of Trade to the Queen—relating to complaints made against James Alexander, Lewis Morris and Rip Van Dam.

[From Official Copy in Rutherfurd Collection, Vol. IV, p. 41.]

To the Queens most Excell^t Majesty Guardean of the Kingdom of Great Britain and his Majesty's Lieutenant within the same

May it Please Your Majesty

We have received a Letter from Coll Cosby His Majesty's Governor of the Province of New York dated the 6 of December last, in which he complains of the Factious Disaffected and illegal behaviour of M^r James Alexander, a Member of his Majesty's Councils in New York and New Jersey, and Rip Van Dam Esq^r late Commander in Cheif and President of the Council at New York, which complaints are Supported by several Papers printed at New York, and by a Report of His Majesty's Council there, transmitted to us upon this Occasion by Col' Cosby

Col. Cosby acquaints us in his Letter that the said Alexander, and his party, have set up a printing press at New York, where the most virulent Libels, and most Abusive Pamphlets, published against the Ministry and other Persons of Honour in England, have been re-printed, with such Alterations as Served to inflame the People against the Severall Branches of the Legislature and the Administration in that Province.

That factious Cabals are secretly held Severall times a Week in New York, at which Alexander is always Present, as Morris was before his coming Privately to England.

That a black and malicious Attempt hath been made, by the said Alexander, against M^r^ Harrison, a Member of His Majesty's Council at New York, and a Person of Sworn Loyalty by charging him with a Capital Crime, of which he hath been fully acquitted by a Committee of His Majesty's Council, and by the Grand Jury in that Province, who refused to find the Bill against him upon the Affidavits of the said Alexander and one Smith, who acted in Concert with him upon that Occasion.

That the said Morris, whilst President of the Council in the province of New Jersey, Acted in the most Arbitrary manner, having turned out severall loyal Old Servants and Officers, without Consent of the said Council, in contempt of His Majesty's Instructions, to make way for his near Relations; that he hath Sat and Acted as Chancellor, and made a Decree without giving regular Notice or hearing the Partys concerned, and that, nevertheless, he hath loudly declaimed, both in New York and New Jersey, against his Majesty's Governors, who have Sat as Chancellors Affirming publickly that no Decrees of the Chancery, or any other Court of Equity, were binding on the Subject, and that his Majesty had no Right to Establish any such Court in those Provinces.

Col: Cosby further Acquaints Us, that Rip Van Dam, Morris, Alexander, and others of their party, appear, by their behaviour, to be Disaffected to His Majesty's Government, and are, daily, exciting the People to Sedition and Riott; for which reasons we take leave humbly to propose to Your Ma^ty^ that the said Van Dam may be deprived of his Seat in His Majesty's Council of New York, & the said Morris of his Seat in the Council of New Jersey, and the said Alexander of his Seats in both those Councils, and that John Moor and Paul Richards Esq^rs^ may be appointed of His Majesty's Council in New York, in

the Room of Rip Van Dam and James Alexander, And that Robert Lettice Hooper Cheif Justice of the Province of New Jersey, and Joseph Warrell Esq^{r} may be appointed of the Council in New Jersey, in the room of the afs^{d} Lewis Morris and James Alexander; the said John Moor, Paul Richards, Robert Lettice Hooper, and Joseph Warrell Esq^{rs} having been recommended to us as Persons every way qualified to Serve his Majesty in those Stations.

All which is most humbly Submitted

FITZ WALTER
T. PELHAM
WHITEHALL Aug^{t} 28th 1735. R. PLUMER
JA. BRUDENELL.

From John Sharpe, Solicitor, &c., to Secretary Popple, with his reasons for the non-approval of an act of the New Jersey Assembly of August, 1733, for making £40,000 in Bills of Credit.

[From P. R. O. B. T. New Jersey, Vol. IV, F, 13.]

REASONS humbly submitted to the Consideration of the Right Honourable the Lords Commissioners for Trade and Plantations

Against

An Act passed in the Province of New Jersey on the 16th of August 1733 Entituled an Act for making 40000$^{£}$ in Bills of Credit

First For that the said Province of New Jersey have heretofore Issued out 60000£ of Paper Bills of Creditt 30000£ whereof are still subsisting and by so great an Increase of Paper Credit as 40000£ more which is

created by this Act the Credit of the former Bills is greatly lessened as the Security for calling in the said Bills is by such an Addition of Paper Credit greatly diminished for tho' some of the old Bills of the Province were before the making of this Act in Advance above the Bills of Credit of its Neighbouring Province New York and might have held their Credit if due Care had been taken about the Fund setled for sinking the same and their Intention to decieve the Merchants trading with them had not appeared in their desire to add such a large Sume in Additional Paper Bills yet by such Addition their old Bills are now hardly at a Par with those of New York the Merchants and Traders being very unwilling to receive 'em in payment for their Goods or in discharge of their debts owing them by the Inhabitants of New Jersey and it has been observed that since the passing of this Act the Inhabitants of New Jersey preferr the Bills of New York to their own.

It is also material to observe that the Inhabitants of New Jersey are very greatly Indebted to the Merchants who deal with 'em and as they cannot have these Bills of Credit out of the Province Treasury or Loan Office but by mortgaging their Lands for the same, and upon failure of payment to their Loan Office their Lands are gone and they are deprived of that Estate upon the Credit of which they were so considerably trusted by the Merchant, and the Merchant has nothing left to resort to but these Bills of Credit which are of very little if any Value to the Merchant as they have no Currency any where but in the Province of New Jersey and consequently the Merchants their Creditors when they have received the same have no way to circulate 'em not being able to buy Merchandize with the same in New Jersey to make returns to Great Britain, so that should this Bill pass it must inevitably cause great and grievous Damage to the Merchants

and prove the Ruin of many of 'em who have almost their all due in New Jersey and imediatly sink their Bills to at least 30£ P Cent less than those of New York, It is therefore humbly hoped their Lordships will not advise his Majesty to give his Assent to an Act for striking so much paper money which would so grievously hurt many of his Loyal Subjects and in the End prove of Infinite Damage to the Province itself.

2dly By this Act the Bills of Credit thereby made current are made Obligatory to be taken in all Payments and Tenders between Man and Man for 16 years and are yet made Obligatory in payments to the Comissioners and Treasurer in the Act menc'oned but for 6 months only which is very unequal and unreasonable and tends greatly to the discredit of these Bills.

3rdly A Tender of these Bills is by this Act made effectual in Law for the paymt or discharge of any debt which by contract entered into previous to the said Act was mutually stipulated between the Parties should not be paid in Bills of Credit but should be paid in Sterling money or in Silver money of America or any other Species Gold Silver or Plate which is very prejudicially to affect private property by an ex post facto Law and for the Legislature to dissolve and release Parties from the Contracts they have entred into and to make new Contracts binding between Party and Party not only different from but directly the reverse of what they entred into between themselves contrary to the Law of the Land and the reason and nature of things and is exercising a Power never attempted by the Legislature here and which in the Consequence of it is destructive of all Faith and Comerce between Man and Man as it makes any Agreement or Contract they may enter into precarious and incertain.

4thly By this Act the Penalties inflicted on those who offend agt the Provisions of it are not mentioned and

incerted in the Act itself as they ought to have been and are no otherwise ascertained than by reference to several former Acts, which is too loose and uncertain a manner of Inflicting Penalties of any kind especially of a severe nature as these are.

5^{thly} By this Act if any Person shall ask a greater price for anything by him her or them offered to sale or shall do any other Act Matter or Thing to lessen the Value of the Bills such Person is made lyable to the same penalties as one who refuses to take 'em in payment at all or even as one who counterfeits those Bills. Which is a most unreasonable and unequal Provision as it makes no difference in the Degrees of Punishm^{t} between refusing to take the Bills in Payment and counterfeiting the Bills tho the difference is so vastly great between one Offence and the other, and as it Inflicts the same punishment where there is no Offence as the highest Offender is lyable to, for it can hardly be considered as an offence to *ask* a greater price for any Comodity than a Person will take and yet in such a Case the Seller of the Comodity is lyable to the same Penalties as if he had been guilty of forgeing the Bills themselves—And the subjecting a Person to the same penalties as guilty of forging the Notes for asking a greater price for any thing by him offered to sale or for doing any other Act Matter or Thing so as to lessen the Value of the Bills is subjecting the Subject to penalties in so loose general and uncertain a way that the most Innocent person may be lyable to be ruined and undone

By this Act if a Person be Indicted for Counterfeiting any of these Bills thô the Fact be alledged in the Indictm^{t} to be done in any one certain place and on the Tryal the Fact be not proved as laid, yet if the fact be proved to have been done in any other place thô not in any County of the Province or within the Province It is Enacted that the Party shall suffer in such and

the same manner as if the Fact was alledged and proved to have been done in some County of the Province and the Jurys on the Tryals of all such foreign Actions shall be returned from the Body of the County of Burlington and Middlesex or one of them.

This part of the Act is concieved to be highly unjust in it self, and directly contrary to the Laws of England, no Person being lyable by the Laws of England to be tryed for an Offence of this nature committed out of the Kingdome

And it is most unreasonable that when a Person is charged in his Indictm^{t} with having comitted a certain fact in a certain place and is prepared to make his Defence accordingly that Evidence should be given of his doing it at another place of which he had no Notice and consequently could not be prepared to make his defence and from which if he had had previous Notice he might have been able to have freed himself and shewn his Innocency—

It is likewise highly unreasonable that a Fact of this Kind should be tryed in any other manner than by a Jury of the County in which the Fact is charged to be comitted and the depriving the Party accused of this benefit is to deprive him of the right he is Entituled to by the Law of the Land. It being the Birth-right of every Englishman to be tryed by a Jury of the Neighbourhood where the Fact is supposed to be

There seems likewise to be an Inconsistency in this Clause of the Act the beginning of the Clause requiring the Indictm^{t} to alledge the Fact to be done where in truth the same was done and yet in the following part of it declaring if the Fact be proved to be done in any other place it shall be sufficient

The Clause to prevent Frauds of Executors or Administrators is in no respect calculated to answer that end and is an unintelligible as well as unneces-

sary Provision it seeming to be calculated with a View to put an Explanation and Construction upon Wills thereafter to be made and to be declarative of the Intentions of Testators in Wills thereafter to be made which is an absurd Attempt and no ways the Office of the Legislature And the Act likewise lays a Restraint on the Executor from permitting a Sale to be made of the Mortgaged Premises and disables the Executor from making any Conveyance thereof from the Devisee in case of a personal Estate sufficient to pay the Debts of the Testator whereas by the Law of the Land an Executor or Ad'strator as such has nothing to do with or any power over the Real Estate of his Testator but only over his personal Estate

The Clause in relation to a Mortgagors dying Intestate and to oblige his Heir at Law to make good deficiencys tends greatly to weaken and destroy the Fund made for the sinking and paying off the Bills of Credit as it in effect discharges the mortgaged Premises in the hands of the Infant Heir from being lyable to the payment of the money due on the Bills for which the same was made a Security and instead thereof only makes the Infant Heir personally lyable on his attaining 21

For all which reasons It is humbly hoped the Lords Comissioners of Trade and Plantations will see sufficient cause to advise his Majesty to repeal the s^{d} Act—

Reply of Richard Partridge to the objections of Solicitor Sharpe to the New Jersey Act for making £40,000 in Bills of Credit.

[From P. R. O. B. T., New Jersey, Vol. IV, F, 14.]

A Reply to the Reasons alledged in behalf of Severall Merchants of Bristol [by John Sharpe Solicitor]

AGAINST

AN ACT pass'd in the Province of New Jersey August 16. 1733. Entituled An Act for Making £40000. in Bills of Credit.[1]

1 Obj. The Substance of the first Objection is, That Such an Increase of Bills of Credit as £40000, whilst £30000: of former Emissions is Still Subsisting, must lessen the Credit of former Bills, because the Security for recalling those Bills will be greatly diminish'd.

Reply. Its hard to concieve in what Instance, this new Emission can possibly Affect any former Security for recalling the Subsisting Bills of Credit. The Objection would have some Colour: if the Act in question had repealed former Acts of Emission, or had protracted the Periods for Sinking the Outstanding £30000, But when the Act in every Clause confirms and corroborates all former Acts of Emission, and makes Still more effectual provisions for recovering the Bills upon Loan at their Stated periods. The Objection can have no ground or Colour at all: The Act considers the Neglects and Deficiencies of former

[1] Richard Partridge under date of August 13th, 1735, presented to the Board of Trade his reasons in support of five clauses objected to by Mr. Sharpe. It is thought unnecessary to print the article, as this covers the whole ground.—ED.

Loan Commissioners, provides for the Election of New Commissioners to inspect the Mismanagements of the Old and invests them with power to demand all former Bills of Credit, and upon their default, they are made Subject to the same pains and Penalties as in former Acts directed: The Act has expressly taken Care, that the Old Securities shall not be weakned by any Loans upon a Prior Mortgage, for it enjoins the Commissioners to examine the title and value of the premises offer'd in Mortgage, and to See that the Lands *are free of all Incumbrances*, by which Clause they are absolutely restrain'd from lending any New Sums, upon a Mortgage Subject to the payment of any of the Old Bills of Credit. The Argument drawn from the fall of Credit of the New Jersey Bills in the Province of New York, does not in the least Support the point of the Objection; "*that a New Emission will Affect the Old Securities;*" For then the Case must be the same in Philadelphia where the New Jersey Bills have obtain'd an Equal Currency, and it is not pretended that they have lost any part of their Credit in that Province; which they must have done, if the Old Securities were by this Act made liable to Diminution: Credit in many Cases is Arbitrary, and often depends upon Fancy and humour, and as the Province of New Jersey is under no Injunctions to make Money for New-York, or any of their Neighbouring Provinces, but only for the Support of their own Trade and Government, so they can no ways be Answerable for the defect of Credit (if there is any) in any other Province than New Jersey itself: All other Provinces had their Election at first to recieve the Bills of New Jersey, or not as they thought proper; and their recieving them in Other Provinces: and the Credit they gain'd in New York above the Bills of their own Province is an indisputable Argument, of the Validity of the Fund for sinking the Bills and the

great Opinion of it in those Provinces and this Act has not at all Alter'd the Case, for there has been no New Emission in Consequence of it nor can there be till the Act recieves his Majesty's Approbation: So far is the Province of New Jersey from any Intention by this Act to decieve the Merchants trading with them; that it's plain they have taken Care to confirm their hopes & to Strengthen the Securities, for where the Mortgages are found deficient, the Sums due upon them are to be levied upon the Several Counties of the Province The New York Bills have obtain'd their Credit upon the Strength of the New Jersey Bills in the time of their full Currency, and now the Periods are advancing for Sinking all the Old Bills, it's no Wonder, they begin to lose their Credit in New York, and that the People of New Jersey now prefer the New York Bills to their own; And this will continue to be the Case should there be no Emission, for by the Circulation of the New Jersey Bills in the Provinces of New York and Philadelphia New Jersey has been drain'd of More than two thirds of their own Specie, that they have now Scarce any Medium of Commerce left with their Neighbours, or Trade among themselves, and it is almost out of the Power of the Borrowers or Mortgagors, to discharge their Engagements (which are for the Same Species) in the Loan Office: so that the very mischief complaind off, the not Sinking the Old Bills, can't possibly be remedy'd without greatly protracting the periods, or an Immediate Emission of More:

In Answer to the Observation upon the Debt of the Inhabitants of New-Jersey, to the Merchants dealing with them, Its plain, That Lands can never be the Medium of Trade, and it's difficult to imagine that the Merchants should with their Eyes Open carry on a Commerce with a Country that can yield Em no returns, and that they have all along reap'd no profits,

found no Account in their Traffick, and have plac'd their whole Confidence in the Lands of their Correspondents; and it can hardly be thought that they were not Sensible till this juncture, that the Bills of the Province would be of no Use to them, and that All their Trade to New Jersey for Want of Merchandable Returns was insignificant and to no purpose: But if the Merchants have plac'd their Confidence in the Lands, it's impossible to See how this Act will in the least disappoint them: For if the Lands are in Mortgage to the Merchants, The Mortgagors can never borrow of the Commissioners upon the Credit of those Lands, for the Act directs the Loan Commissioners to give publick Notice of their Intentions to lend, that prior Mortgagees may come in & prove their Claims; and the Lands are to be free of all Incumbrances, and it can never be denied that a Prior Mortgage is an Incumbrance; so that the Lands mortgag'd to the Merchants will (notwithstanding this Act) remain liable to foreclosure, upon Non-payment of the Principal and Interest of their Debts: But if the Lands are not in Mortgage to the Merchants, their Confidence is merely Imaginary, and its impossible they should ever resort to the Lands at all, as long as their Correspondents continue to make them the Tender of their Debts in the legal Currency of the Province; the Repeal therefore of this Act can put 'Em in no better Circumstances than they were, before the Act had any Being; unless the Merchants mean to have all the Money of the Province sunk at Once, in Order to make the Lands of Necessity liable to the Discharge of the Contracts, and so to render the Condition of their Debtors desperate and Irretrievable:—In this part of the Objection its' alledg'd That the Bills of New Jersey have no Credit or Currency at all in the Neighbouring Provinces or in any Other Place besides New Jersey itself; which does not seem to coincide with the first part of

the Objection, for there, the Bills of New Jersey had obtained a Credit in New York even beyond the Bills of their own Province. Both parts can't possibly be true; But if the Bills of New Jersey have a Currency in the Neighbouring Provinces (as it is plain from the preamble of the Act, and from the preceding part of the Argument in behalf of the Merchants they have) then Altho' it should be granted that New Jersey can yield the Merchants no Returns, Yet with the New Jersey Bills they may purchase Merchandable Commoditys either in New York or Philadelphia, and with them make remittances to Great Brittain: There can be no imaginable Prejudice then to the Merchant by this Act, should it recieve the Royal Approbation, but if there should be any, As the Merchant must have been acquainted before with the Circumstances of the Province, and the Medium of their Trade, so the Traffick He maintain'd was entirely Voluntary, and consequently it would be hard to relieve a few private Gentlemen at the Expence & Ruin of a whole Province, or the far greater part, Who have never been concern'd in Commerce at all; for the Husbandman and other Labourers, must all be laid open to the most grievous Distress and Irretrievable Calamity, if the Subsisting Bills should be sunk without this new Emission to Answer the pressing Emergencies of the Province. It's therefore humbly hop'd that their Lordships will advise his Majesty to give his Assent to this Act in order to prevent the fatal Consequences that must inevitably attend the repeal of it, to many of his Loyal Subjects, and expose a whole Province to Ruin.

Reply to 2nd Objec: The Second Objection is grounded upon a Mistake & Misunderstanding of the Words and meaning of the Act itself, for the Act is not so unequal and Unreasonable as to make the Bills of Credit obligatory in all payments and Tenders between Man and Man for 16: Years, and yet to be obligatory upon

the Commissioners and Treasurer for 6 Months only, from the Commencement of the Act; But the Clause has a directly different Intention, and in Order to preserve the Bills in greater Credit, very reasonably and equally provides That "The Bills of Credit shall be and continue Current for and during the Term of 16 Years "(from the date of the said Bills) between Man and "Man, but by the Commissioners and Treasurers of "the respective Divisions of the Province they shall be "recieved for 6 months *hereafter* (clearly meaning "for 6 Months after the Expiration of the Term of 16: "Years) and no longer;" That the Clause is calculated to guard against any Surprize upon the Inhabitants when the Term is expir'd: and gives the Bills Credit with the Treasurer and Commisssioners for 6 Months longer than with private Persons—

Reply to the 3^{d} Objec: The Clause relating to Tender is of Absolute Consequence to the Credit and Currency of the Bills of New Jersey, For, To make the Bills current, and yet to leave all persons at Liberty to accept or refuse them in Tenders as they think proper is in Effect to establish the End without the Means: And Altho' the Act, has a retrospect to all past Contracts, yet it Obliges the Creditor to no more, than what He would have been bound to, even at Common Law, by former Acts of that Province, and by the Reason and Policy of every Civil Government: It must be granted, That Parties have no Original Right to Stipulate Contracts in Contradiction and defyance of the Laws of a whole Community, For it's a Universal Maxim, and must extend to all Political Constitutions "Conventio privatorum juri publico nunquam potest "derogare." And it's plain, that Contracts of this Nature fly in the Face of the Province & the Legislature there, for whilst former Acts of Assembly, Approv'd by his Majesty, have declar'd (in the Same Manner as the Act in Question) That the Bills of the Prov-

ince shall have Credit and be current with every private Person, and shall be accepted in all Tenders whatever; These Contracts declare That They shall have no Credit, shall not be current, and that a Tender and Refusal of them shall not be a Legal Payment: It can hardly be alledg'd at Common Law, That an Obligor to a Bond, condition'd for Payment in foreign Coin (& with respect to New Jersey All Money except the Current Bills of the Province must be deem'd foreign) should not at the Day of Payment be at Liberty to make Tender Monetâ Legalie Angliæ, And that a Refusal of Such a Tender would not amount to Payment: The Language of the Reports and Law-Books is quite otherwise, and in Davie's Reports Fo. 18. its expressly declar'd, That if a Feoffment upon Condition (or Mortgage) is made at a Time when a purer or more Weighty Metal is current, and before the Day of Payment, Coin of a Baser Alloy is establish'd by Proclamation, The Mortgagor shall be at Liberty to make Tender of the baser Coin, and it shall be good, tho' the Contract was made while a more valuable Money was current, and the Creditor depended upon Payment in the Same Specie: The Law is by no means ex post Facto, because former Acts as effectually establish'd the Credit of the Subsisting Bills, and as much oblig'd all Parties to accept them in Tenders, as the present; and If Contracts have been enter'd into, since the making of former Acts, to the Exclusion of the Current Money of the Province in Payments, Such Contracts can hardly be thought Valid, and Originally binding upon the Obligor, as they are directly Opposite to the Laws of the Province, & "Quod contra Legem "factum est pro infecto habetur." This Clause of Tenders is merely declaratory of former Acts and of the Law of New Jersey in Other Cases, or rather the Clause has no Operation at all, since former Acts are Still in Being, and this Clause makes no new Provi-

sion, and does but express What former Subsisting Acts had done before; and what is imply'd in the Very Consent of the People by their Representatives to the currency of the Bills, or in the Authority of that Legislature to give them a Credit and Circulation: "Expressio Eorum quæ tacité insunt Nihil Operatur." The Clause can't be said to establish any New Contract between Man & Man, or to release Parties from Contracts they had enter'd into previous to the Act itself, but the Obligees (doubtless from an Advantage Over the Necessities of their Obligors) have obtain'd Bonds condition'd for payment in a particular Specie to the Exclusion of the Current Money of the Province contrary to the Law of the Land, to the Reason and Nature of things; and which, should they once bind, must bring their Money into Absolute discredit, and from the great Scarcity of Silver, Gold & other Coin in the Province, throw the Debtor into inexpressible Difficulties, and make it impossible for Him ever to discharge his Contract: The Nature of the Contract remains the Same (even upon Supposition that former Acts had not made the same Provision for Tenders as the present) for the Clause does not make a direct Condition of the Bond collateral to the Bond itself: It only requires that Parties shall recieve lawfull Money in Lieu of Lawfull Money; That instead of Seventeen Ounces Ten Penny Weight of Silver, they shall recieve Six Pounds equall to Seven Ounces Ten penny Weight of Silver; and if this is to Change the Nature of Contracts then All Acts of Parliament and Proclamations here that make foreign Coin the Current and Lawfull Money of the Realm; change the Nature of previous Contracts, for there can be no Doubt that a Tender of Such Money will be good in all payments, even of Stipulations before those Statutes or Proclamations: If a Refusal of these Bills, in private Contracts should be allow'd, it must be destructive of

the publick Faith, and the Medium of Commerce in that Province and render their Credit with the Inhabitants entirely precarious and Uncertain.

Reply to the 4th Objec: Tho' the Penalties are inflicted by Reference to precedent Acts, yet they are in no respect loose and Uncertain; and the Legislature here have in Several Acts of Parliament inflicted Penalties by Reference to precedent Statutes: The Sole Reason why the Law requires Penalties to be certain, is, That Offenders may never plead Misconusance or Ignorance, But it can scarce be Urg'd, That an Offender or Criminal would ever be permitted to plead Ignorance of a publick Act or Statute, in Being; to which All the People are Parties, and gave their Consent by their Representatives: If therefore former Acts of New Jersey to which the present Act refers, have their Being and remain unrepeal'd, they continue (as they were before) Publick Laws under the Consent of the whole Province by their Deputies, whereof all Persons are bound to take Notice, & always suppos'd to be conusant, & therefore can never plead Ignorance; so that if the Penalties are sufficiently ascertain'd in the Acts to which this has reference, the Inhabitants must be fully acquainted with the Nature of those Penalties, and can never be said to Offend ignorantly: It is not pretended that this Act repeals former Acts of Emission for as it is entirely in the Affirmative & has no Negative Clauses, but Several Continuing and confirming Ones, The Rule of Law respecting Acts of Parliament, must hold in relation to these Acts of Assembly, "That an Act in the affirmative shall never repeal or Abrogate a precedent affirmative Statute:" And the very reference of this Act to former supposes their Continuance:—

11 Co' 62. b. Dr. Fosters Case.

Acts of Parliament have frequently inflicted Penalties by reference only to precedent Statutes in Being, without Specifying the Penalties, or any other Ascer-

taining than by those Acts to which the Subsequent Ones refer: By 37 Hen': 8: ch: 23. Sect. 2. A Penalty is inflicted upon all Persons who should sell Wines at any Other than limited Prices, by *Reference only* to the 28 Hen: 8: ch 14.—By 8 Geo. 1. ch. 18 Sect ?22. Copper Ore is made an Enumerated Commodity under the like Securities, Pains and Penalties, as are provided by 12 Car'. 2. ch. 18. Sect' 18—25 Car'. 2. ch 7. 3 & 4to Annæ. ch. 5. Sect' 12 and all the Penalties of those Acts are of a Severe Nature, and yet they are no otherwise ascertained in the Body of the Act that inflicts them, than by reference to the Several Statutes recited: The manner therefore of inflicting these Penalties is in no Sort loose and Uncertain, for the Act does but continue those penalties which were inflicted by former Acts, and were well known to every Member of the Province:

Reply to 5th Objec': This Act does not Subject Persons who shall lessen the Value of the Bills by inhansing the Market Prices of Commodities, to the same Penalties, as those who refuse the Bills in Tenders or Counterfeit them; For the Act does not connect the Crimes, But the whole Clause is in the disjunctive, and provides that All the Offenders shall be subject to the same Pains Penalties and Forfeitures as in respect to the former Bills by the said former Acts are recited; so that if former Acts inflicted Separate Penalties Separate degrees of Punishment, for the Several Separate Crimes, this Act in Consequence of its Reference to the former, does the same, and can never be taken to inflict equall degrees of Punishment, by enacting, that All the Offenders shall be punish'd in the same Manner as by former Acts directed: Its' undoubtedly the Office of every Legislature to preserve the Credit of publick Money, the Sinews of all Government, and to restrain Persons from bringing it into Contempt, either by Counterfeiting, Refusing in Tenders, or by

extending the Prices of Commodities beyond the Usual and Stated Markets: Lessening the Value is the Crime; Forging Refusing in Tender, Inhansing the Prices of Goods, are but the Several Ways and Methods of lessening the Value: If the Position advanc'd in the Objection, "That Raising the prices of Commodities "ad libitum of the Seller, is hardly to be consider'd as "an Offence," was to prevail; The publick might be prejudic'd, and the Poor Oppress'd at Pleasure; & Such an Uncertainty in the Value of Goods must pave the Way to Universal Want and Penury; For if the Purchaser has not Substance sufficient to reach the Despotick Demands of the Seller. He must Starve for Want of Common Necessaries: And All the Laws and Statutes in Being against Monopolies, Regrating, Ingrossing and forestalling of Markets, would become Useless and Insignificant, for their Sole Design is to guard against Oppression of the publick by inhansing the prices of Commodities; and the Law according to Lord Hales in his Pleas of the Crown Fo. 152. Stiles the Very Attempting to raise the prices of Merchandize a kind of forestalling the Market; And to prevent Such an Attempt Acts of Parliament have in frequent Instances Stated the prices of particular Commodities, as Wines &c.ª—The Roman Law has distinguish'd it with the Name of *Crimen Annonæ fraudatæ*, and the *Lex Julia* Inflicted a Severe penalty upon the Offender: And Among the Athenians it was *Crimen Capitas* to Suppress the Sale of any Commodity, and to ask a greater price than Any Person can afford to give is in effect to Suppress the Sale of the Commodity itself: The Crime is double as it is both an Abuse of the Market, and depreciates the very Medium of Traffick and Commerce: The Objection indeed artfully alledges that it can be no Offence to Ask a greater price for a Commodity than a Person will give; But when the price of a Necessary Commodity is advanc'd to such a

heighth as absolutely to impoverish the Purchasor if He Strikes the Bargain, and to plunge Him into the Utmost extremities and Famine itself, if He does not; In such a Case it can't be said that the Purchaser has his Election, for let whatever be the Price, there can be no doubt under the Dilemma, that He will rather chuse to take the Commodity, than to Starve:—

In Answer to the Objection to the Manner of Trials instituted by this Act; Its' certain, that All Trials are to conform to the Nature of Offences: Counterfeiting of Bills is a kind of transistory Crime, and may be as well committed, & with much more Secrecy out of the Province than in it, and if Only those who forg'd Bills within the Province should be liable to the Penalties of the Act, it would in effect give Licence to Counterfeit the Bills in a different Province, and then tho' they should come and Utter those very Bills in New Jersey, if they are to be indicted only in the place where they counterfeited them, they must pass with Impunity: The Legislature here have frequently Adapted the Manner of Trials to the Nature & Quality of Crimes; and directed Criminal & Capital Prosecutions for Facts committed out of the Realm:—By 35. Hen. 8: ch: 2. Treasons, Misprisions and Concealments of Treason, committed in any foreign Dominions, are made triable by the Kings Commissioners or in the Kings Bench in England— By the 1 & 2^{d} of Philip & Mary. ch. 11. If any Person counterfeits Money out of the Realm, and brings it into England, it is a Treason for which the Offender is triable by Commissioners or the King's Bench; and yet in these Cases the Life of the Subject is concern'd, that a Jury of the Neighbourhood must be of infinite more Consequence to Him, than where his Property only is in Danger:

The Seeming Inconsistency complain'd off in this Clause is easily clear'd up, and the plain Meaning is, That If the Fact is alledg'd in the Indictment to be in

a particular place or County, and upon Evidence it Appears to be done in another Place or County, and the Party is fully convicted of the Crime; The Conviction shall not be Void, nor Judgment Arrested for Want of Alledging with Nicety the Place, where upon Proof the Fact appears to have been committed:— Counterfeiting is the Substance of the Indictment: the Manner, the time and the place are mere Circumstances; and if the Party is clearly convicted, Place & Every thing Else are quite immaterial:— By the Conviction its justly presum'd that the Defendant could not have clear'd Himself of the Crime, tho' He might possibly have prov'd that He did not commit the Crime in that particular place which the Indictment Alledg'd, and even in that Case He must be Subject to a New Indictment—

The Clause to prevent Frauds of Executors & Administrators is a clear, intelligible and necessary Clause, calculated to restrain Executors and Administrators from taking the Surplus of the personal Estate to their own Use, in Cases where their Testators have devis'd away the Mortgag'd Premises, till they have discharg'd the Mortgage after payment of Other Debts and Legacies: The Clause is in Support of the Wills and Intentions of Testators, and provides for the discharge of the Mortgage with the Surplus of the personalty in Aid and Benefit of the Devisees, and without such an express Clause, the Profits of the Mortgag'd Premises would still remain Subject in the hands of the Devisees, contrary to the plain Intent of the Testator to the payment of the Loan Debt, and the Executors could not be compell'd to redeem the Mortgage, but would become possess'd of the Surplus in Fraud of the Devisees: Courts of Equity here have indeed apply'd the personal Estate in favour of the Heirs at Law (after payment of Debts and Legacies) to exonerate the Mortgage, but as this can't be the

case in New Jersey where they have no Courts of Equity, it becomes necessary for the Legislature there to provide for an equitable Construction of Wills in the Courts of Common Law, and especially where they affect the Securities of the publick Money of the Province: Nor is there the least Appearance of Absurdity in such an Attempt for the Act don't frame Wills, nor make any Construction upon the Face of them in prejudice of the Testator's Intention, but all along in Support of it, & under this Limitation, "That "the Intent of the Testator be not otherwise express'd, "That the Devisees themselves shall discharge the "Mortgage:" The Legislature here have in many Instances put an Explanation upon Wills, and the Stat' of the 34 & 35 Hen: 8: chap. 5. Entituled A Bill concerning the Explanation of Wills, is throughout, a Statute declarative of the Intentions of Testators: The Clause restraining Executors from permitting a Sale of the Mortgag'd Premises, plainly means, That If Executors will not Apply the Surplus of the personal Estate so as that the Devisees must be oblig'd to Sell the Mortgag'd Premises, in order to discharge the Mortgage, which would be a permission of the Sale in the Executors, that then the Devisees shall recover double Damages of the Executors, which is the Apparent Sense of the Act from the Words of the Clause, If the Executor or Executors *having Sufficient Effects shall permit* &c[a]—The Succeeding Clause disabling Executors from making any Conveyance of the Mortgag'd Premises is only (as appears from the express Words of the Act) in Cases where the Executors shall become Purchasers of the Mortgag'd Lands, That they shall be Seiz'd for the Use of the Devisees, and All Subsequent Conveyances shall be held fraudulent and Void against Such Devisees:— It is therefore humbly hop'd That this Clause is in every part Consistent, Intelligible, and tending to prevent Frauds of Executors, and to preserve the Intentions of Testators:—

The Clause in relation to a Mortgagors dying Intestate, and Obliging his Heir at Law to make good Deficiencies, has no sort of Tendency to weaken the Security for Sinking the Bills of Credit: For, if there be a Surplus of Personal Estate, that and the Profits of the Mortgag'd Premises are to be Apply'd immediately in Exoneration of the Mortgage; But if the personal Estate and Profits are not sufficient the Heir at Law when he Attains 21: is to make good the Deficiencies with Interest, and if He does not, The Lands in Mortgage are of consequence subject to foreclosure; The Clause, in favour of Infants and heirs at Law, of whom Courts of Law and Equity have always been tender, does but suspend the foreclosure of the Mortgage, till the Infant is of Age & can inspect his Affairs with Judgment and Discretion, and then in Case of Deficiencies, by the Words of the Act, He is to be compell'd to make 'Em up with Interest either personally or by Sale of the Mortgag'd premises:—

For all which reasons and in Consideration of the excellent Fund establish'd for the Security of the Bills to be emitted, It is humbly hop'd that The Lords Com'issioners for Trade and Plantations will See Sufficient Cause to advise His Majesty to give his Royal Approbation to the Said Act.

The foregoing has been drawn up by my Councel learned in the Law and is humbly Submitted—

RICH^{D} PARTRIDGE

Lond^{o} S^{ber} y^{e} 11th 1735

Letter from Robert Hunter Morris to James Alexander.

[From Original in Rutherfurd Collection, Vol. IV, p. 42.]

[Westminster October y^e^ 16^th^ 1735]

Dear Sir

I was the other day in the City and was there told that Cosby had removed three of the Councill of New York from their seats at that Board this account surprised me not Having Heard the least roomer of it before and I imagined it was done at New York for some new Cause to me unknown, I went Directly to Paris to know if He Had Heard anything of it and whether he had Entred Caveats in the severall offices to prevent their removal from being confirmed here? He told me He had Heard Just as much of it and in the same manner that I had but intend^d^ to Enquire at the Plantation office to know if any thing of that kind was come there and said He had Entred Caveats in the several offices a long time ago. We after that went to the Plantation office and there found that Cosby had wrote to that board—and set forth that Lewis Morris President of the Councill for the Province of new Jersie Rip Van Dam President of new York and James Allexander a member in both those Councils were Disafected to His Majesties Person and Government that they Hold Nightly Corrispondence and secret meetings to distress his majesties government in those Provinces that they had sat up a Printing Press in new York and had Printed and retailed out [to] the People those libels which in England were Calculated to disturb the minds of His Majesties good subjects, upon the whole that they Had left no measures un-

tryed whereby they Could disturb and render frusterate his (m^r^ Cosbies) Just designs, this relation of the governour is verified by a letter or representation of the Council, but of which Province I Know not: the Board of trade upon the Credit of M^r^ Cosbies letter and the representation of the Council Have made a report to the King in Councill, and advise his Majestie to remove those gentlemen m^r^ Morris from the Councill of new Jersie; m^r^ Van Dam from that of new York: and m^r^ Allexander from both this repor twas given in on monday last at a general Council Held at Kinsington, and upon a letter from my father to my Lord President the day before the Council it was refered to a committee: on tuesday I attended the Councill office to Know what was done in it and found it was refer'd and on the next Committee I shall have a Copy of the Board of trades report and shall send one over by the first Conveyance after it—

My father's affair now begins to Draw near a determination—it is to be the first Cause Heard and there will be a Committee soon After the Kings arrival which is now daily Expected S^r^ Charles wager having been gone above a fortnight to Convey Him over * * * * * * * *

I forgot to tell you that the governours letter was dated in December last and was Committed to the Care of the Duke of new Castle who has been all this time striving to get the report of the bord of trade upon it, and Could not do it before my Lord Westmoreland was much against it as being unjust to Condemn the Parties unheard and without giving them an opportunity to Justifie their Conduct Especially when there was a Caveat Enter'd in their office against such a removal. Blagdon and Dockmineque were also against it but my Lord westmoreland being removed from the Board and Dockmineque being Dead my Lord fitz walter and another new member made in the roome of

Dockmeneque were fond of obligeing the secretary of state and so got a report in favour of m^r^ Cosby as I have related

We have no news stiring at present, * * * * my father, M^r^ Pearse and my sister are all well and Desire there loves to you and the Family. I beg my Duty to my mother and Am Dear Sir

Your most Affectionate Humble Servant

ROB^T^ HUN^T^ MORRIS:

This Comes by way of Boston
recomended to m^r^ Iskyl.

Petition of Lewis Morris of New Jersey to the King.

[From an Official Copy in the Rutherfurd Collection, Vol. IV, p. 29.]

TO THE KINGS MOST EXCELLENT MAJESTY IN COUNCIL

The humble Petit'on of Lewis Morris of your Majesty's Province of New Jersey in America Esquire

Sheweth

That Your Petitioner hath one of the most considerable Real Estates in the said Province and hath at all times been Zealously well Affected to your Majesty & the Succession in your Majesty's Royal House.

That Your Pet^r^ hath been a Member of the Council in the said Province for above 40 years past, Even before the Proprietors Surrendered their Government to Your Majesty's Crown And which Surrender was procured & Effected by the Application & at the great Expence of Your Petitioner And from the time of such Surrender which is between 30 & 40 years past, Your Petitioner hath had the Honour of being Eldest Councellor or President of Your Majestys Councill in New Jersey & Executed many other Posts & Offices

of the highest Trust in that & the Neighbouring Province, And during that Space the Government has more than once devolved upon & been Executed by your Petitioner to the General Satisfaction of the Inhabitants.—

That Your Petitioner is informed that William Cosby Esquire your Majesty's Governor of New Jersey hath Sent over some Charge hither to your Majesty or Your Commissioners for Trade and Plantations against Your Petitioner tending to remove him from his Post in Your Majesty's Councill of New Jersey.

That Your Petitioner hath never Seen or heard what such Charge Consists of, much less has Your Petitioner ever had any Opportunity whatsoever of being heard to the same in his Defence.

Wherefore your Petitioner most humbly beseecheth your Ma^{ty} That after so very long & Faithfull Discharge of his Duty in your Majestys Service in many Stations, he may not be Dismist from the Same in his decline of Life, unheard, and by Representac'ons made ag^{t} him behind his Back, But that your Majesty in your Great Goodness will be graciously pleased to allow him to have Copys of any such Charge or Representac'on in Order to Defend himself against the same before he be removed or Suspended from Your Majestys Council in New Jersey.

And Your Pet^{r} (as in the utmost Duty bound) Shall ever Pray &

6 Novem^{r} 1735, The Foregoing Petition was referr'd by his Maj^{ty} in Councill to the Committee of Councill for Plantation Affairs.

At the Council Chamber Whitehall the 17th of Nov^{r} 1735 By the Right Hono'ble the Lords of the Committee of Council for Plantation Affairs

Upon Motion this day made by M^{r} Paris Sollicitor for Lewis Morris Esq^{r} It is Ordered by their Lordships that a Copy be granted of the Representation made to his Majesty by the Lords Commiss^{rs} for Trade and

Plantations for removing the said Lewis Morris from his Place in the Council of New Jersey.

W. SHARPE.

[A similar petition in behalf of James Alexander, who had been informed that charges had been made against him as a Member of the Councils of both New York and New Jersey, was presented on the same day. —ED.]

From Reverend Wm. Skinner, of Perth Amboy, to Sir William Keith—announcing the death of Governor Cosby and urging him to apply for the vacant position.

[From P. R. O. America and West Indies, Vol. XII, p. 40.]

Letter from Mr Skinner to Sir William Keith

Amboy March ye 15th 1735–6

Sr

The 12th of this Instant I wrot to you viâ Antegua, not knowing then of any other opportunity, and now by this I resume what I said then viz: Our Governour Col Cosby died the Tenth of this Instant, worried out of his life by a Sett of men, whose names it is needless to mention; and it is well if their malice is ended wth his death. For if they employ'd a Press merely to throw all the dirt they could devise, even while the Gentleman was upon a Death-bed, and that for three months at least, and his life every Day despaired of; if the melancholy abodings of his Distress'd family and the tears of his Lady could not then prevail with y'm to be better natured, it is in vain to think, they will forbear to be outragious still, if it is in their dower so to be— But be that as it will, The Province of New Jersey is resolved to apply for a Separate Governour. The Council is to meet in two or three daies time, and the Assembly will be called together as soon as possible. but to gain time you will

first, have recom'ended to your care The Councils Memorial expressing the Sence of the people, and Soon after you will hear from the Assembly, whose thoughts (I dare Say) will be the Same for the whole province is bent upon having a Separate Governour, and Say they will support him as becomes his character. I believe they are in good earnest, but to render the Support effectual, and them a happy people, much will depend upon the address and capacity of the first Governour that is appointed, for if he can but render himself acceptable to the people, every thing will be in his power.—I heartily wish you may have sufficient Interest wth your Royal Master, and those great men about his Throne to obtain this Goverm^{t} for yourself, for the Cry, yea the prayer here is, May it be his Majesties pleasure to Send us S^{r} W^{m} Keith for our Governour.[1] S^{r} you are well acquainted wth most of us, and no Stranger to our affairs; You know what Confidence this people put in you, and that it would be in your power to bring y'm to any terms, so that whatever might be another Gentlemans fate, you can apprehend no difficulty in getting a Competent Support. Try then what you can do in this matter, and I shall conclude This as I did my last viz^{t} May you find friends, and this opprest people will

I sincerely am S^{r} Your most humble and
and Most obedient Servant

[2]

Wil. Skinner

[1] Under date of May 5th, 1736, Sir Wm. Keith made application for the appointment through the Duke of Newcastle.—Ed.

[2] The Rev. William Skinner was the first rector of St. Peter's Church, Perth Amboy. He was a MacGregor by birth and among those of that clan proscribed after the rebellion of 1715. Obliged to leave Scotland, he assumed the name of a friend in Edinburgh, and came to America via the West Indies. He subsequently returned to England and was ordained by the Bishop of London, having pursued his theological studies in Philadelphia. While in England he was appointed Missionary to Perth Amboy and entered upon his labors in September, 1723. He died in 1758, aged 71.—See Contributions to the History of Perth Amboy, p. 100.—Ed.

Order of the King in Council declaring the Reasons for removing Chief Justice Morris insufficient.

[From N. Y. Col. Docts., Vol. VI, page 36.]

At the Court of S^{t} James's the 26 day of Nov^{r} 1735 PRESENT—The Kings Most Excell^{t} Majesty in Council

Upon reading at the Board a Report from the Lords of the Committee of His Majestys most Honorable Privy Council for Plantation affairs dated the 7th of this ins^{t} in the Words following viz^{t}

Your Majesty having been pleased by your order in Council of the 23rd Nov 1733 to referr unto this committee the humble Petition of Lewis Morris Esq^{r} setting forth that he hath held the office of Chief Justice of His Majestys Province of New York in America for about twenty years during which time he discharged his duty with the utmost integrity; That in August 1733 Col^{o} Cosby the present Governor of that Province issued a Supersedeas to the Petitioners Commission of Chief Justice without assigning to the Petitioner any reasons for the same That conceiving his character to be greatly affected by being thus removed and that as the said Governor is required by your Matys Instructions not to displace Judges without good and sufficient Cause to be returned to your Majesty and also to the Lords Commissioners for Trade and Plantations He therefore most humbly prayed to be allowed copys of the reasons for his removal returned by the said Governor and that he might be heard in his Defence against the same and in case it should appear that the said reasons were not good & sufficient that then he might be restored to his said office— The Lords of

the Committee in Obedience to your Matys said order of Reference did on the 8th of January following take the said Petition into their consideration and thought proper to order that the said Governor should forthwith transmit to this Committee his reasons for removing the said Petitioner from his office of Chief Justice which he having accordingly done the Lords of the Committee this day took the whole matter into their consideration and heard counsel as well on behalf of the Petitioner as of the said Governor and do thereupon agree humbly to report to your Maty as their opinion that the Reasons so transmitted were not sufficient for removing the Petitioner from His office of Cheif Justice of your Matys Province of New York

His Majesty this day took the said report into His Royall consideration and was pleased with the advice of His Privy Council to approve thereof

A true Copy

JA VERNON

Letter from President George Clarke to the Duke of Newcastle—informing him of the death of Governor Cosby.

[From N. Y. Col. Docts., Vol. VI, p. 46.]

New York March 16th $17\frac{35}{36}$

May it Please your Grace

[Extract.]

As it is my duty I humbly presume to acquaint your Grace that Governor Cosby after a sixteen weeks sickness dyed the tenth of this month. Two days after he was taken ill he summoned a Council and suspended Mr Van Dam from his seat in the Council Board in

consequence whereof the administration of the Government of this Province devolves on me

About an hour after the Governors death all the Council who were in town met in the Council Chamber, and having caused his Majesties Commission and Instructions to Governor Cosby with his suspension of Mr Van Dam to be read they all except Mr Alexander declared their opinion that the administration of the Government devolved on me and accordingly administered the oath to me, Mr Alexander said he was not prepared to give his opinion, but after I was sworn he concurred with the rest in adviseing me to issue a proclamation signifying the Governor's death and continuing all officers in their Posts.[1] * * *

During the whole course of the Governor's illness the restles faction here have been very active to prepare the mob for an Insurrection, and the soberest and best men have not been without their apprentions of some rash attempt however I have reason to hope that by a mild and prudent conduct I shall be able to restrain the first sallys of the peoples heat and to reclaim them to their due obedience, and in some reasonable time to restore tranquility to the Province to which nothing will so much contribute as his Majesties dismissing Morris from his pretensions to his Chief Justiceship and Van Dam and Alexander from the Council, these are the heads of the factions, these are the men who declaim against the King's prerogative, who poison the minds of the people, who libel the Governor and all in authority in weekly printed papers

[1] Under date of April 7th President Clarke informed the Lords of Trade thatMr. Alexander had caused a paper to be printed and published entitled "Notice of James Alexander, to the effect that he never advised or consented to Mr. Clarke's taking on him the administration of the Government. New York March 24, 1735-6." And under date of May 3d Mr. Clarke wrote: "Mr. Alexander tho he has been constantly summoned ever since the Governors death has never attended the Council since that day that the Governor dyed, and when he was present, & acted after I was sworn, tho' he has since confidently denyed it in print." And under dates of July 26th and October 7th, gives similar information.—Ed.

and who have endeavored to distres the Governor in his Just administration, I am bold to affirm to your Grace, pardon my Lord, the expression, that if these men are continued in their stations this Province will be very unhappy, as on the contrary if they are dismissed the Spirit of faction will dye. those who have been misled by them will leave them and I shall have the honor to inform your Grace, that tranquility and harmony will be restored and the people brought to their former duty and obedience to his Majesties Just prerogative. * * * * *

My Lord Your Graces most humble
most obedient and most dutiful Servant
GEO CLARKE

To his Grace the Duke of Newcastle

Letter from John Anderson, President of the Council of New Jersey, to the Duke of Newcastle, giving notice of the death of Governor Cosby, and that the government had been assumed by him.

[From P. R. O. America and West Indies, Vol. XII, p. 35.]

Perth Amboy in New Jersey
March 19th 1735 [1735–6]

My Lord

I Beg your Grace to Believe it is with the utmost Concern I am Oblidged to Give Your Grace This Trouble on the sad Occasion of the Death of His Late Excellency Colonel Cosby who to the Regret of All Good Men Died on the 10th Inst, as no Doubt Your Grace will otherways be particularly Informed.

I Have the Honour to be at the Head of the Council in this Province, I Have Called Them Together & pursuant to His Majesty's Royal Comission and Instructions to His Late Excellency Have Taken the

administration of this Government upon me till His Majesty's Pleasure be further known.

We Presume to Transmit to Your Grace The Enclosed petition to the King which We Humbly Beg Your Grace to Lay before His Majesty; & Tho' There are but Few of the Members of the Assembly now in Town to Sign it, We assure Your Grace it contains the Unanimous Sense of the People of this Province & but a Small part of the Hardships and Difficultys They have long Laboured Under,

We were happy in a Large Share of His Late Excellency's Favour & affection, and, for His Sake I Humbly Presume to Hope for Your Grace's Patronage and Powerfull Intercession for Our Relief.

I am with the most Profound Respect

My Lord Your Grace's Most Humble and
Most Obedient Servant
JOHN ANDERSON

Our Supream Court being now Sitting The Grand Jury have also Drawn up an Humble Petition to His Majesty, & Have Desired me to Transmit the Same to Your Grace.

TO THE KINGS MOST EXCELLENT MAJESTY

THE HUMBLE PETITION of your Majestys President and Council of Your Province of New Jersey, The Speaker and Diverse of the Members of their General Assembly on behalf of themselves and others the Inhabitants of the said Colony. [Enclosed in the foregoing letter.]

Sheweth

That upon the Surrender of the Government of this Province to Your Majestys Royal Predecessor Queen

Anne the Proprietors and Inhabitants of this Colony had great reason to hope The Governour then appointed over this Province would have been distinct from the Person that was to be Governour of New York, But to the great disappointment of this Colony the person then Governour of New York was also appointed Governour of this Province. and the Several persons who have since been appointed Governours of New York have also at the same time been appointed Governours of this Province.

That the great value of the Government of New York beyond that of New Jersey (Your Petitioners humbly Conceive) has always induced the Governor of both for the time being not only to prefer New York to this Province for his almost continual Residence, but often to prefer the Interests of that Colony to the great prejudice of this, And should it be Your Majesties pleasure to continue Us under the same Governour with the Province of New York We have too great reason to fear the like inconveniences will ensure to the great detriment of this Colony.

That the absence of the Governour for the time being from this Province some times for a whole year together has too often occasioned almost an intire neglect of the affairs of this Government and great delays in the Administration of Justice both in causes depending before the Governour in Chancery and those before the Governor and Councill on Writts of Error and otherways to the great impoverishing of the parties who there seek right and to the great discouragement of Your Majesty's Loyall Subjects of this Province.

That altho' the application heretofore made on the behalf of this Province for relief in the premises have proved ineffectual Yet as We are Sensible Your Majesty is the Com'on Parent of all Your Subjects that they are equally the objects of Your Royal care and

Tenderness, Your Petitioners flatter themselves that when Your Majesty shall be informed how inconvenient and detrimental it is to this Your Province and how prejudicial to Your Majesties Service to have the Same person Governour of New Jersey that is Governour of New York, And that the Inhabitants of this Your Majesty's province are equally willing and able to Support a distinct Governour with diverse of the Neighbouring Colonys who Enjoy that benefitt under Your Majesty, That You in Your Royal goodness will be induced at this Iuncture on the occasion of the death of his Excellency William Cosby Esq[r] late our Governour to grant us our humble prayer.

May it therefore Please Your Majesty in Your great Clemency and goodness to Releive your dutifull and Loyall Subjects the Inhabitants of this Your Province in the premises by Com'issionating some person to be their Governour Different and Distinct from the Person that is to be Governour of Your Province of New York.

And Your Petitioners (as in duty bound) shall ever pray &ca.

I Concurr with the Matter and Substance of this Address but (being one of the People called Quakers) have Some Exceptions to the Style.

March 18[th] 1735

JOHN KINSEY, Speaker.
ANDW. JOHNSTON
JAS. HUDE
JAMES GROVE
JOHN ANDERSON
JOHN HAMILTON
JNO. READING
JA: ALEXANDER
COR:VAN HORNE
THO. FARMAR

Draft of a Petition from the Grand Jury of Middlesex County, praying for a Separate Governor

[From Original among the MSS. of W. A. Whitehead.]

To the King's Most Excellent Majesty.

The Humble Petition of the Grand Jury Returned to Serve at the Supreme Court of Judicature held at the City of Perth Amboy in the County of Middlesex for your Majesties Province of New Jersey.

Most Gracious Sovereign.

We your Majesties Dutifull & Loyal Subjects the Grand Jurrors of the County Aforesaid on behalf of our Selves & Other the Inhabitants of this your Province begg Leave in humble manner to Approach Your Royal Presence to Joyn our Prayers with those of your Majesties Councill of this your Province (now met on the occasion of the Deth of Coll: Cosby our Late Governour) that your Majesty will be gratiously Pleased to appoint us a Governour Distinct and Separate from the Person who Shall be Appointed Governour of Your Majesties Province of New York

The Disadvantages and Inconveniences which we have Long Laboured under by Reason of our being under the Same Governour with the Province of New York & the Inclinations and Abilities of the Inhabitants of this Colony to Support a Distinct and Separate Governour of our own (If your Majesty Shall be pleased to Grant us one) are So fully and Justly Set forth, in the petition already presented to your Majesty from your Majesties Councill and the general Assembly of this province on the Same Occasion that we Shall not propose to Repeat them here, and we humbly hope the

hardships we Labour under will apear from them So Conspicuous as may induce your Majesties Royal Goodness and Condescension to indulge your Majesties Province in this their humble Petition by Graciously granting to them A Separate and Distinct Governour and they as in Duty and Gratitude bound for So Signal a Marke of your Royal Favour Shall pray for your Majesties Long life and happy Reign

Dated at Perth Amboy
y^e^ 19^th^ March 1735-6.

From John Hamilton, President of the Council of New Jersey, to the Lords of Trade—relating to the Death of President Anderson and his own assumption of the Government.

[From P. R. O. B. T. New Jersey, Vol. IV, F, 23.]

Letter from M^r^ Hamilton, Presid^t^ of Council and Commander in Chief at New Jersey, giving Acco^t^ of Presid^t^ Anderson's Death, and his taking the Governm^t^ upon him. Rec^d^ June 15^th^.

[Amboy New Jersey April 8^th^ 1736]

My Lords,

It is my Duty to Acquaint your Lordships that on the 28^th^ of March last John Anderson Esq^r^ (Who on the death of His Late Excellency Coll^o^ Cosby was President & Commander in chief of New Jersey) dyed here upon whose death the Administration of the Goverment of this Province devolves upon me as Eldest Councellor which Office I Shall Endeavour to Execute with the greatest fidelity & zeal for his Majestys Service and the Ease & benefit of His Subjects here

It is Likewise my Duty to Inform Yours Lordships

that there are but few Councellors resideing in this Province and one of those (Mr. Wells) So very Old & Infirm he has not been Able to Attend his Duty in Councill for Some years, I know the Governor or Commander in Chief has Liberty to Fill up to the Number Seven And Accordingiy Govr. Cosby did to make up the Number Admitt William Provoost and Thomas Farmar Esqrs. but I shall not willingly take that upon me unless Some pressing Occasion Obliges my Calling An Assembly which Att present I see no necessity for.

Coll Cosby told me Almost A year before his death he had recommended to your Lordships John Seylor [Schuyler] John Rodman & Richard Smith Esqrs. I shall Only Add they are Gentlemen of Worth and fortune And that I have the honour to be with the Greatest Regard

My Lords Your Lordships most humble
and most Obedient Servant



The Lords Comrs. for Trade & Plantations

From Sir William Keith, Bart., to the Duke of Newcastle—applying for the Governorship of New Jersey.

[From P. R. O., America and West Indies, Vol. XII, p. 39.]

Sr. Wm Keith [applying] to be Govr. of New Jersey

May 5th 1736

My Lord

It was in Sepr last twelve months that I had the Honr to make my humble application to your Grace,

To favour my being appointed His Majestys Lieutenant Governour of New Jersey in America; But your Grace declining at that time to approve of Seperating the Government of that Smal Province from New York dureing Mr Cosbys Administration I reddily desisted from further Solicitation humbly Submitting as it was my duty to your Grace's Sentiments and Inclination

The certain accounts of Mr Cosbys Death gives me room with great humility to renew my former application to yr Grace, and as it is a thing which his Matie did formerly approve of, I humbly hope your Grace will be So good, In regard to my diligent application heretofore in the public Service and my long attendance at London out of Bussiness to Favour me with your Countenance on this occasion, presumeing that my Capacity & character will be certified to your Grace by Sir Robert Walpole; The Duke of Montague and Sir Charles Wager; I beg leave to acknowlege my Self to be with the most profound Respect and Submission

My Lord
Yr Graces most dutyfull and
most obedient humble Servant
W Keith[1]

His Grace the Duke of Newcastle &c

1 Sir William Keith, Bart., previous to 1717, was Surveyor General of the Customs in America. In May of that year he succeeded Colonel Gookin as Governor of Pennsylvania, and held that position until June 22d, 1726, when he was succeeded by Sir Patrick Gordon. From 1728 he resided in England, and preceding pages show that he endeavored to excite the interest of the Government in different manufactures in the colonies, with what success does not appear. Proud, in his History of Pennsylvania (II, p. 177), says he was "a good solicitor of popularity," possessing and practicing those arts which seldom fail to please the populace; but in Pennsylvania sacrificed thereby the interest of the Proprietors. He wrote a history of the British Plantations in America, the first part of which, referring to Virginia, was printed in 1738, It is not known that any more was published. Sir William was prompted to make this application by a letter from the Rev. William Skinner, of Perth Amboy, given on a preceding page (435). He died in 1749. A miniature sketch of him by John Watson is in the writer's possession.—Ed.

Order of the Lords of the Committee of Council, referring to the Lords of Trade a petition of Mr. Partridge, Agent for New Jersey, praying to have a Governor for that Province distinct from New York.

[From P. R. O. B. T., New Jersey, Vol. IV, F, 20.]

At the Council Chamber Whitehall
the 24 day of May 1736

By the Right Hon'ble the Lords of the Committee of Council for Plantation Affairs

His Majesty having been pleased to referr unto this Committee the Humble Petition of Richard Patridge Agent for the Province of New Jersey in America, Praying for the Reasons therein set forth, that when His Majesty shall be pleased to appoint another Governor for New York, The Province of New Jersey may not be put under His Administration, but that some other Person may be appointed Governor of New Jersey—

The Lords of the Committee this Day took the same into consideration, and are hereby pleased to referr the said Petition together with the papers thereunto annexed, to the Lords Commissioners for Trade and Plantations to Examine into the same, And Report their opinion thereupon to this committee

W– SHARPE

To George the Second King of Great Britain in Council The Petition of Rich[d] Patridge Agent for the Province of New Jersey in America

Humbly Sheweth

That as thy Subjects of the said Province of New

Jersey did in the Year 1730 send over an Address to the King, humbly praying they might have a Governor appointed to themselves seperatly from that of New York a Copy whereof is hereunto annexed,[1] Thy Petitioner apprehends he cannot faithfully discharge the Trust reposed in him as Agent without humbly representing That should the said Province be favour'd in what they so earnestly desire it would tend to encrease their Wealth and put them into a Condition the better to promote Trade and Navigation whereas on the other Hand to be continued under the Administration of the Gentleman that is or shall be appointed Governor of New York they will Labour under great discouragments and Difficulties as they have done for several Years past as will further and more at Large appear by a Copy of a Representation made to Lewis Morris Esq[r] soon after the death of Governour Montgomery from some of the Gentlemen of the Council of the said Province in the Year 1731 hereunto also annexed—[2]

That thy Petitioner is informed the General Proprietors of the said Province of New Jersey who were greatly Interested in the property of the Soile as well as that of the Government did upon their Surender of the Government to the Crown in the year 1702 conceive they were in some measure (by the terms of the said Agreement) Intituled to have a Governour appointed over this Province distinct from that of New York and flatter'd themselves with the hopes & expectation of it accordingly. Wherefore thy Petitioner in the Name and behalf of the said Province of New Jersey humbly prays that the King Would be be Graciously pleased to favour the said Province in granting their humble Request that whenever thou

[1] See page 270.
[2] See page 296.

shalt be pleased to appoint another Governour for New York the said Province of New Jersie may not be concluded under his Administration, but that such a Person may be Commissionated for them seperatly as thou shall see meet for that office—

RICH^{D} PARTRIDGE

London

Memorial from Sir Wm. Keith—relating to the necessity of separating the Government of New Jersey from that of New York.

[From P. R. O. B. T. New Jersey, Vol. IV, F, 18.]

To The Right Hon^{ble} The Lords Commiss^{rs} for Trade & Plantations The Memorial of Sir W^{m} Keith Bar^{t}

Humbly Showeth

That when your Memorialist left America in the year 1728, many of the principal Inhabitants of New Jersey, to whom your Memorialists character and Conduct for nine years, as Governour of the neighbouring province of Pensylvania was perfectly well known, apply'd themselves to him Intreating That upon his return to Britain, he would favourably Represent, and inforce the sd applications to the Crown for a Seperate Government from New York.

That your Memorialist haveing had many opportunities of being well acquainted with the Country of New Jersey, as well as with the Just grounds of their Complaint, how Impracticable it is for any Governour of New York, faithfully to discharge the duty of that Office to both Provinces.

And your Memorialist understanding that several Petitions have been transmitted from New Jersey on this Subject are now by a Reference from the Privy Council befor your Lordships for your Report thereon

Your Memorialist therefor humbly presumes, in behalf of the Public Service, as well as In compassion to the natural and just Rights of His Mat[ies] good Subjects the Inhabitants of New Jersey, to offer himself as a Person who from a true knowledge of Things, and the present circumstances of that Country, can vouch for and explain most of the Facts Containd in the several Petitions aforesaid from New Jersey, now under your Lordships Consideration; and also with your Lordships permission, to offer such further Arguments as he humbly Conceives, will demonstrat, not only the Reasonableness, but even necessity of Releiving the poor People of New Jersey from the Great Inconveniencies they must labour under, so long as they Continue to be made dependent on The Government of New York, all which is most humbly Submitted by

Right Hon[ble] Your Lordships most humble
and most obedient Servant

August 4[th] 1736. W KEITH

This Paper was read the 4: of Aug[t] 1736, and S[r] W[m] was heard by M[r] Pelham & S[r] O: Bridgeman, but there not being a full Board, this Paper is not mentioned in the Minutes nor the Conversation between S[r] W[m] and them, and M[r] Partridge the Agent.

Reasons for appointing a separate Governor for New Jersie, received from Mr. Partridge.

Reasons Humbly offer'd why a Seperate Governour should be appointed for New Jersey, and ordered constantly to reside there, as well as Councellors and all other Officers.

The want of which ruins Trade, abates the price and value of Land, and Depopulates the Province.

There being no Naval Officer, no Vessel can be Registered, without going to New-York, and from some parts of the Province, it will cost at least Ten pounds

Acts for preserving the Timber, for the encouraging Building of Ships, cannot be procured lest it may prejudice the Trade and Navigation of New York.

The consumption of Provisions, and Manufactures from hence, is nothing so considerable as it would be, if a Governour and all the Officers were Inhabitants in the Province.

People from Europe and other Provinces in America are unwilling to settle a Colony, which is dependent on another, which is lyable to great Inconveniences. The Governour Chief Justice, Second Judge, and most of the Gentlemen of His Majestys Council, are paid and attended at New York with their Salary and Fees, out of the Province, in ready money which ought to circulate in New Jersey, and would, if these Officers liv'd there.

No application can be made on any Suddain occasion, without very great Trouble and Charge, and at sometimes of the Year, not at all, or with great danger.—No habeas corpus Writ, nor Writ of Error, or Certiorari, or any Remedial Writ, can be obtained without going to another Province nor can any Remedy be had, let the Cause be never so Emergent.

The Governour living at New York, seldom holds Councils here, by which means Writs of Error from the supreme Court lye sometime Ten or Twelve months before they can be argued, and some have lain two years.

The Militia cannot be Kept in that Discipline and under those Regulations as are necessary because the Governour and Colonels live out of the Province.

The Judges living in the New York Government countenance the New-York Lawyers, so that they

carry away thither all the Business and Money, whilst our own are discourag'd and Reduced.

The heart burnings amongst the Inhabitants, and the Grievances of the Country are not known and understood, or at least never regarded; the Governour being free from the Noise and Clamour of them, at New York.

The Officers from New York give in no Security and consequently are in no danger of Punishment if they do amiss for it is but keeping at Home and they are safe.

The Councellors at New York, continually attending the Governour, having his Ear on all occasions, commonly recommend our Officers, some of which are hardly known in the Country for any good Character.

The Governour it's presum'd will hardly pass any Act for the good of the Province, if Interest interferes with the Colony of New York, the chief of his support being to be had from thence.

The Province is ready to give a Seperate Governour an Honourable Allowance, and Support all the other Officers of the Crown as Customary; and as the Honour and Riches of the Province encrease by a Seperate Government, and ease of the Subjects, they will shew a generous Disposition.

A great many Palatines and other Foreign Protestants, are averse from setling in New-Jersey, by reason of ill usage they pretend to have Receiv'd from a former Governour of New York, which is a great hindrance to the Proprietors of the Jersey's.

If a Seperate Governour &c, was appointed, it would prevent many Inconveniences to the People of the Jerseys, who are well affected to His Sacred Majesty and His Family.

The Trade in the Colony and Number of Vessels would encrease, and consequently a reciprocal advantage redound to Great Britain, by imploying more hands in makeing Tarr, Pitch, and Turpentine.

[Under date of August 5th, 1736, Thomas Pelham, O. Bridgeman and Ja. Brudenell, Lords of the Committee of Council, to whom the foregoing and other documents on the subject were referred, made a report that in their opinion His Majesty might be pleased to comply with the prayer of the petitioners.—Ed.]

Letter from Secretary Popple to John Hamilton, President of the Council of New Jersey—relative to the vacancies therein.

[From P. R. O. B. T., New Jersey, Vol. XIV, page 392.]

Letter to Mr. Hamilton, Presidt of the Council, & commander in Chief of New Jersey.

Sir

My Lords Commissrs for Trade & Plantations command me to acknowledge the Receipt of your Letter of the 8th of April last, acquainting them with the Death of Mr. Anderson late President of the Council, & Commander in Chief of New Jersey, since the Death of Colo Cosby and to acquaint you that their Lordships do not doubt, but you will use your utmost endeavours for His Majesty's Service, and the Peace of the Province.

Their Lordships upon reading Your State of the Council of New Jersey, are surprized to find you mention but five Councillors present in ye Province, because in August 1735 their Lordships recommended to His Majesty John Schuyler Thomas Farmer, John Rodman, Richd Smith, Robert Lettice Hooper, and Joseph Warrill Esqr. to supply the Places of Messrs. Baird, Johnson, Parker, Smith, Morris and Alexander, If these Gentlemen whom my Lords have been pleased

to recommend to His Majesty for Councillors in New Jersey will not take the proper Care to get their Warrants for that Purpose, pass'd thrô the several Offices, my Lords will think themselves obliged to recommend some others to His Majesty least the Council should so far be reduced as not to be able to make a Quorum to transact the Business of the Province You will therefore please to inform them thereof from Sir,

Your most humble Servt.

A. POPPLE.

Whitehall October ye 22d. [1736]

From Lewis Morris to the Duke of Newcastle—in support of his claim to the Presidency of the Council of New Jersey.

[From P. R. O. America and West Indies, Vol. 12, p. 29.]

Perth Amboy in N. Jersey, Oct: 25th 1736

May it Please your Grace

I arrived at this place the 16th of this month at night, being Saturday—but the Day before that I had Sent to Coll: John Hamilton the third Eldest Councellor who (on the death of Collo Anderson the 2 Eldest Councler) had got into the Administration to call together his Majesties Council who by reason of their Distant Habitations could not be got together Sooner than the 20th about two or three of the clock afternoon.

I had heard that they had been Summoned by Collo Hamilton on the News of my Arrival at Boston; and had Entred into a Combination not to Deliver up the Seales and other Insignia of the Government to me on Any Account: And that they had also Agreed not to meet on Any Summons Sent by me, but could not belive Either of those things to be true—tho' by the Inclosed minute and report of Such of them as did

meet (being all that could be got together) I doubt not your Grace will be of Opinion that it clearly Appears by their conduct that they had Entred into Such a Combination

The number of the councellors for this province should be twelve viz. Six for the Easterne and Six for the Western Division—of those Six for the Western division there are but two Alive Viz. John Wells And this John Reading one of the Signers of the report. the first of these John Wells is a very old man And in a manner bedrid and Incapable by reason of his age to Attend on the Service that Station requires —and how far the latter will be thought fit to be continued in that Station after his Signing of the Enclosed and (what Seems to me) a treasonable opposition of his Majesties Authority is humbly Submitted to his Majestie, as is that of the other Signers and of Hamilton who pursuant to their advice as yet detain's the Seales from me: which if he persists in I shall think my Selfe under A necessity of using force to compel him—tho that is what I am very unwilling to Attempt till other milder measures prove or are most likely to prove ineffectual, or unless Some Orders from his Majestie come timely Enough to render Such An Attempt unnecessary

The Councellors for the Eastern Division as they Stand in the list are Lewis Morris, John Anderson, John Hamilton, James Alexander, Cornelius VanHorn, William Provoost to which was added by Coll^{o} Cosby the late Governour Thomas Farmer So that during the latter part of M^{r} Cosbyes administration there were Seven Councell^{rs} for the Eastern Division instead of Six and but two for the western. John Anderson is Since dead the rest remain A live of whome VanHorn, Provoost and farmer Joine in Supporting Hamilton in the present Opposition. Alexanders wife Expecting hourly to cry out prevented his

Attending but he wrote to them his opinion that Hamilton Ought to deliver the Seales, both from its being known that I was Eldest Councellor and first named in his Majesties Instructions. And that Her Majesties Additional Instruction directed to me was a Declaration that her Majesty Considered me as President of the councill and Com'ander in chief of this Province And calls it under my Government: Which Sufficiently Authorized me to act in that Station, tho' I had (as I had not) been been Suspended or my Place in councill Declared Void As indeed it never was—But (for what reasons I do not know) they would have it that Alexander was not of the councill and paid no regard to his Opinion.—I shall in a few days publish a proclamation pursuant to her Majesties Additionall Instruction to me A copy of which is Inclosed to your Grace And which I hope I more than flatter my selfe your grace will think Agreable to her Majesties Commands to me

the inclosed minutes of Councill is very far short of what passed at that time—they Objected to me An Instruction that gave A power to the Governour to declare my place in councill void upon my being absent twelve months without his Majesties leave to this I answered that I did remember an Instruction made (as was Said) by Agreement with the proprietors upon the Surrender of the Government and given to all the Governours Since that time before Montgomerie and given also to M^{r} Montgomerie late Governour of this province by which it was directed that if A councellor Absented himself for two months and continued Absent for two years the Governour might declare his place in Councill void—And Another Instruction by which it is directed that if Councellors Absented without Cause and persisted after admonition they were to be Suspended—that the two last Instructions as mentioned by me had been notified to the councellors and

that by those Instructions it Seemed to me his Majestie did not intend that Any eouncell^{r} named by him Should be removed from his Seat in councill but for a contemptuous Absence and Neglect of his duty; and that, after previous Admo'tion and a persisting after Such Admonition in the Neglect of his duty that no Such Instruction as mentioned by them had been Ever Communicated and notified to the Councill or to my self but kept in petto by the Govern^{r}—and being So that I could not be deemed guilty of what I could not know to be a Crime. that with respect to the Instruction known and mentioned by me I had not been absent So long a time as to fall within the direction of them nor had ever received any admonition in that case—And his Majesties appointing me Chief Justice of the province of New York I took to be a Sufficient declaration of his Majesties leave to be Absent in New York whilst I continued Such And the Dutys of that office necessarily required my attendance there—that when I was removed from the office of chief Justice by Coll^{o} Cosby for reasons which he transmitted to the councill board by their Lordships Express com'and It was necessary to admit That my Appearance and defence of my Selfe before his Majesties Most hon^{ble} privy councill was with his Majesties leave; And my Absence (had I continued in England the full two year or A longer time) that was not Such a contemptuous Absence as to fall within the meaning or intention of his Majesties Instruction in that case—that whether the instruction mentioned one year or two years it was only a Discretionary power given to the Governour to declare the place Void, or to Suspend: which he might make use of, or not, as he thought most Suitable to his Majesties Service that the Governour not haveing made use of Such power (if my Absence had been within the meaning of it (as I conceived it was not) Either by declaring my place in councill void, and Entring Such declara-

tion in the councill Bookes, or by Suspending of me, I Still retained my place in Councill of Eldest counsellor —that her Majestie by her Additional Instruction directed to me as President of the Councill and by it in his Majesties Name Authoriseing and requireing me to do what was therein directed to be done in the Severall Parish churches in the Province of New Jersey under my Government was a Sufficient prooff that her Majestie Deemed me Still President of the council and Com'ander in chief of the Province And a Sufficient and Authoratative declaration that I was Such—to this they replyed that her majestie was mistaken in Calling me So—As by the whole of their conduct I was convinced that they had Entred into a Combination to give me Opposition I did not think it propper to produce to them the Original Instruction least they Should Endeavour to force it from me and by that Attempt lay me under a necessity of haveing recourse to more violent measures than I thought propper at that time to Attempt I therefore produced to them a copy and read it to them but told them at the Same time I would shew them the Originall if they would give their words of honour to returne it to me; but this they Said they would not do, and demanded the Originall of me—to this I replyed the Instruction was directed to me And I was by it in his Majesties Name Authorised and required to put in Execution. that it being A warrant particularly directed to me, they could have noting to do with it; nor Coll? Hamilton as Comander in Chief while I to whome it was directed was upon the Spot: And that I should as I was thereby impowered use (by the grace of god) the most propper and legall measures to put it in Execution.

That I had been And was then the Eldest Councell[r] first named in his Majesties Instructions to his governour and not removed or Suspended bs him that I was So Still and by his Majesty's Letters Pattent Empow-

ered to take upon me the administration of the government whenever I came upon the Spot tho' Absent at the time of the death of the governour—That her Majesties directions to me under her Royall Signet and Sign Manuall as President and Comander in chief at a time when it was known I was Absent in England was a full determination of that point And That my place in council was not made void by Such Absence that it was Rash in them To Say her Majesty was mistaken in A point of which she then was the Sole Judge: And the direction to me a Sufficient declaration of her Majesties Pleasure to require their obedience—That had I been actually removed or Suspended by the Governour (as I was not) or had I never before been of the councill of this province yet the governour being by the Kings Letters Pattent to Obey Such Orders and Instructions as he should from time to time receive from his Majesty under his Royal Signet or Sign Manuall and it being his Majesty's Sole prerogative to Appoint when and as often he thought fit any person to be President of the Councill and Com'ander in chief of this province I did conceive that her Majesty directing to me as such in the manner it was directed did as fully and Expressly declare and constitute me to be Such, As if I had been of the councill, and removed or suspended from being So, and had been by her Majestys Sign Manuall &c Restored to my former place and Presidency: if not Rather more fully—How far I have Reasoned Right in these cases is most humbly Submitted to his Majesty: but upon the whole, I offered to take the usual Oaths and did demand of Mr. Hamilton upon his allegiance the Seales and Insignia of the Government which he at that time refused to deliver: Saying he referred that matter to the councill then present who deferred his consideration of it until the Next day

And accordingly the Next day in the Evening the

clark of the Councill brought me the result of their debates contained in the copy of A Letter or Address to Coll Hamilton here inclosed by which in open Opposition to her Majesties Authority and direction to me they Stile him President of the councill and comander in chief of the province of New Jersey—and in which (if I understand them) they Endeavour at reasons to prove that he is So notwithstanding my Seniority and being first named (which they confess) and notwithstanding the Queens direction to me—which they say is not in words Express Enough to divest m^{r} Hamilton of the authority he Acquired by being the Eldest councellor upon the Spot at the time of the death of Coll^{o} Anderson his Senior; and being once vested cannot be divested but by Expresse words for that purpose. That is that his Majestie cannot name and Appoint Any person to be President And Com'ander in chief without a revoking clause in the Said Appointment declaring the Authority of him who was accidentally vested by being upon the Spot to be determined. Nor is his Majesties appointment of the government to devolve upon the Eldest councill & his Maj^{ties} directing to him as president and comander in chief and Appointing him to do Any Act a sufficient declaration of his Majesties Pleasure in that Case. nor Sufficient to Empower the Eldest councellor to act unless the authority of the intermediate Comander in Chief was Expressly Said to be determined—the Consequence of all which and the Use made of this is that, tho' it be confessed that his Majesty by his commission and Instruction Plainly declares and directs who is President of the Councill and upon whome he intended the Government to devolve upon the death of the Governour—Yet if he or the Next Eldest Councellor happened to be Absent at the time of Such death the third or fourth councellor Resideing then upon the Spot had a Right to take upon him And Keep the administration of the Govern-

ment: Not only in the Interim and pro tempore till his Senior comes upon the Spot; but Even afterwards: and becomes thereby President of the councill Exclusive of his Senior Even after his return—her Majesties Direction to me under her Signet and Sign Manuall Seems clearly to have determined that point contrary to the Opinion of these Gentlemen and I humbly Submit it to his Majestie what Notice is proper to be taken of a conduct very Probably to be Attended with consequences Dangerous to his Majesties Service and the publick peace.

A Letter of this Kind to the Hon^{ble} George Clark Esq was thought to be a sufficient declaration of the Royall Pleasure in that case in New York (tho' the matter of Vandams Suspention by Coll Cosby on his death bed was Depending before the King and Councill) and Determined the general Assembly there to act with m^{r} Clark which they would not otherwise have done—but here, where there shall been no Suspention, our more Sagatious men Act upon Different principles

Why the clerk of the councill one Lawrence Smyth made an Entry of my withdrawing when I did not withdraw till the councill was up; and did not Enter the demand I made in the terms I made it in—Nor of m^{r} Hamiltons referring of it when it appears by the councills Letterr and Address he did refer it to them I won't determine—he is now clerk of the Councill and has long Enjoyed Severall offices and Posts of trust and proffit: but I am much misinformed if Ever he took the Oathes usuall to the government or has any affection for it—I wish I could Speake favorably of this place it is one of the Capitalls of this province to which the Sitting of the generall Assembly is confind, it is pleasant in its Situation; has a healthy Air And a fine harbour; and back'd by a fine Country: but is but very Little if any thing bigger than it was fifty years Agoe. The inhabitants are generally very poor and

there is not Sufficient conveniency in it for the Entertainment of the Assembly. I yesterday told all the houses in the town Spot, and I could not reckon above one hundred taking in Stables Sheds and other out houses—by what I can learn the Assembly will not exceed above £1000. this money P annum to a Seperate governour in case they are indulged with One; which is about £600 Sterling—But as it is much their intrest to have one I hope a good man May Induce them to make a more Suitable provision I beg your Graces pardon for the length of this & am

May it please Your Graces most humble
and Most Obedient Servant
LEWIS MORRIS

Minute of Councill in New Jersey y^e^ 20^th^ October 1736, referred to in foregoing letter.

At a Council Holden at Perth Amboy Octo^br^ 20^th^ 1736

Present

The Hon^ble^ John Hamilton Esq^r^ President

John Reading
Cornelius Vanhorne
William Provoost
Thomas ffarmar
} Esq^rs^

The Hon^ble^ Lewis Morris Esq^r^ came into Council and made a demand of the Administration of the Government of this Province by Vertue of his Majesties Commission to the late gov^r^ and the Royall instructions in which he is named as Eldest Councill^r^ and tendred to the Board a paper said to be a coppy of an Additiona Instruction from her Majesty Directed as follows Viz—

Additionall Instruction to Lewis Morris-Esq^r^ President of his Majesties Council and Commander in chief

in and over the province of nova Cesaria or New Jersey in America, Or to the Commander in chief of the said Province for the time being Given at the Court at Kensington the first Day of June 1736 in the ninth year of his majesties Reign.

Said to be signed on the top Caroline R: C. R. and at the Bottom, C, R, C, R and Demanded that the same might be entred in the minutes of Council

The President Demanded of the said Lewis Morris Esq^{r} the Original Instruction that it might be Entred in the minutes of Councill to which the said Lewis Morris Esq^{r} Answered, *that he was ready to shew the Councill the Original Instruction, upon their word of honour to restore it to him again, which they refused to give,* concieving it to be a publick instruction, and that it belonged to the Government to which M^{r} Morris Answered that the Instruction was an Instruction to him with which he concieved the councill had nothing to do, that he would the best Legal methods he was capable of by the Grace of God to put it in Execution, and then with Drew

A true Coppy, LAW: SMYTH C. Co'n

Two Proclamations issued by Mr. Morris, as President of the Council of New Jersey, dated the 25th of October, 1736.

[From P. R. O. B. T. New Jersey, Vol. IV, F, 24.]

Proclamation to Adjourn the Assembly in Jersie

By the Hon^{ble} Lewis Morris Esq^{r} President of his Majesties Council and Commander in Chief in and over the Province of Nova Cesaria or new Jersie &c

Whereas the general Assembly of the Province of

new Jersie stands Adjourned to Tuesday the twenty sixth day of October Instant I have thought fit for his Majesties service and by Vertue of the Powers and Authorities in me Lodged by the Kings most Excellent majesty further to ajourn the said general Assembly unto tuesday the sixteenth day of november now next Ensuing and I do hereby Accordingly adjourn the said general Assembly to the said sixteenth day of November now next Ensuing to be then held at the City of Perth Amboy- Given under my hand and seal at armes at Perth Amboy this 25th day of October 1736 in the 10th year of his Majesties Reign

LEWIS MORRIS.

GOD SAVE THE KING—

L. S.

By the Honble Lewis Morris Esqr President of his Majesties Council and Commander in chief in and over the Province of Nova Cesaria or new Jersie &c.

A Proclamation.

Whereas the Queens most Excellent Majesty Guardian of the Kingdom of Great Britain and of all the Dominions thereunto belonging and his Majesties Lieutenant within the same has been Graciously pleased by her order under her Privy Signet and Royal sign Manual to authorize require and command me to make publick the Declaration of his majesties Pleasure Signified to me by an additional Instruction sent me in the following words Viz:

CAROLINE R. C. R.

L. S.

Additional Instruction to Lewis Morris Esqr President of his Majestys councill and Commandr in Chief in and over the Province of nova cesaria or new Jersie in America; or to the

commander in chief of the said Province for the time being Given at the Court at Kensington the first day of June 1736 in the ninth year of his Majesties Reign.[1]

Whereas his Majestie was pleased by his order in his Privy Councill of the 29th of April last to Declare his Pleasure that in the morning and Evening Prayers in the Litany and in all other parts of the Publick service as well in the Occasional Offices as in Book of Common prayer where the Royal family is Appointed to be particularly Prayd for the following form and order shoul be Observed

Our Gracious Queen Caroline their Royal Highnesses Frederick Prince of Wales the Princess of Wales the Duke the Princesses and all the Royal family—
And to the end that the same form and order may be observed in All his Majesties Plantations in America these are in his Majesties name *to Authorize and require you* to cause the same to be forthwith publish'd in the several Parish Churches and other places of Divine worship within the said Province under your Government; and you are to take care that obedience be paid thereto accordingly

C. R. C, R.

Therefore in Obedience to the said Instruction as above to me directed, I do in his majesties name hereby Require Each Minister of the Gospell of or in any of the several Parish Churches or other places of Divine worship within the said province of Nova casaria or new Jersie to Read and Publish the Above said Instruction in the words therein Contained and no other to their severall and respective Congregations when Assembled and that they and Each of them do take care that in the morning and Evening Prayers in the litany and in all other parts of Publick Service as

[1] The original of this document is in the possession of the New Jersey Historical Society. See Papers of Lewis Morris, No. 3.—Ed.

well in the Occasional Offices as in the Book of Common prayer where the Royal family is appointed to be particularlarly pray'd for the form and order commanded and Directed In and by the above additional Instruction be observed and all his Majesties Subjects in the said Province, to whom the said Instruction doth or may in any manner of way Relate are hereby Required to take notice thereof and govern themselves accordingly—Given under my hand and Seal at Armes at Perth Amboy this 25th day of October 1736 & in the tenth year of his Majesties Reign

LEWIS MORRIS

GOD SAVE THE KING

Proclamation pursuant to her Majesties additionall Instruction to Lewis Morris

President Hamilton to the Duke of Newcastle—relative to the claims of Mr Morris.

[From P. R. O. America and West Indies, Vol. 12, p. 48.]

Amboy, Octr 25. 1736.

May it please Your Grace

I had the honor to write to your Grace the 8th of April last & Informed You that upon the death of Coll Anderson the Administration of the Govermentt of this province devolved on me as Eldest Councellor which trust I have hitherto discharged with the utmost Zeal and fiddlity for his Majesty's service & I hope to the General Satisfaction of his Subjects in this Province.

I am now humbly to acquaint Your Grace that on the 14th of this month I recd a letter from Col Lewis Morris dated att New York telling me he intended to come to Amboy & take upon him the Goverment of this province by virtue of His Majestys Commission &

Instruction to the Late Governor & desired me to Summon a Council in Order to his being Sworn A Council mett the 20th Instant & I sent to tell Mr Morris the Council were Sitting & ready to hear what he had to Offerr Accordingly he came and after the Council heard his reasons for demanding the Goverment they were of Opinion he had no right thereto as fully Appears by the minutes of Council and their Report to me both which having the Honor now to Send Your Grace I shall not presume to trouble you with Repeatin gany part of them but humbly hope Your Grace will Approve of Our proceedings and Lay them befor his Majesty that I may have his Royall pleasure Signified to me which will Immediately put an End to any disturbances may happn here through Col Morriss's means Your Grace must know his Character from the great Opposition he made to the Late worthy Governor Coll Cosby both here & att home, & his behaviour in New York since his return from England (of wch no doubt your Grace will have An Ample Acct) determined the Council to declare his place amongst them Void.

I Once more begg Leave to represent to Your Grace the great Inconveniency this province Lyes under for want of a Sufficient Number of Councellors there are only the four that Signs the Report can meet and those live all so great a distance from Each other that lett the Emergency be Ever so great it is Impossible to gett them to gether in Less than Eight & forty hours Mr Alexander one of the present Conncellors Lives Intirely att New York and it is above thirty years; Since Col. Morris removed with his family out of this province. and with all due Submission I should think no Gentleman qualified for that Honor that did not only reside in the province but has Like wise an Estate in it.

The Late Governor to fill up the number seven that

could attend admitted Thomas ffarmar Esq[r] & Recommended John Scyler [Schuyler][1] Gentlemen of Reputation & Intrest I humbly beg Your Graces pardon for this tedious Letter & am with the most profound Veneration

May it please Your Grace Your Graces
most Devoted and most Obedient Servant
JOHN HAMILTON

Proclamation by Mr. Hamilton, President of the Council and Commander in Chief of New Jersey, dated the 29th of October, 1736. [*Received with foregoing letter.*]

By the Honourable John Hamilton, Esq; President of His Majesty's Council and Commander in Chief in and over the Province of New Jersey, &c.

A PROCLAMATION.

WHEREAS Notwithstanding the Unanimous Opinion of His Majesty's Council of this Province, not only that the Administration of the Government of the said Province is Lawfully and Rightfully vested in Me, but that Lewis Morris, Esq; by absenting himself from the said Province, contrary to the Royal Instruction, Numb X hath Vacated his Place in His Majesty's said Council, He the said Lewis Morris Esq; being seduced and led aside from his Duty and Allegiance to His Sacred Majesty, by the Instigation of a few Factious and Seditious Persons, and utterly disregarding the Peace, Quiet or Prosperity of His Majesty's good Sub-

[1] Under date of November 22d, Mr. Hamilton addressed a letter of similar import to the Lords of Trade, the last paragraph containing also the names of John Rodman, Richard Smith and Robert Lettice Hooper as recommended by Governor Cosby.—ED.

jects, Hath Presumptously Usurped the Administration of the Government of this Province, and did on the Twenty-fifth Day of this instant October, assume and take upon himself the Liberty of Signing and Sealing two Proclamations, as President and Commander in Chief of this Province; the one to Adjourn the General Assembly to the sixteenth Day of November next, the other concerning Publick Prayers for Her Royal Highness, the Princess of Wales; and on the Twenty-sixth Day of the said Month did cause the said two Proclamations to be affixed on the Door of the Court House at Perth Amboy, Thereby endeavouring, as much as in him lyes, to introduce into This, such and the same Confusions and Seditious Disorders which he, with some other Evil Minded men, have introduced in a Neighbouring Province, and to interrupt the Legal Administration of his Majesty's Government.

In order therefore to prevent any such Seditious Disorders in this Province, and the fatal Consequences that may ensue and attend such Unwary, though Well-meaning Persons as may be imposed upon and led aside from their Duty and Allegiance to His Majesty, by the said Lewis Morris or his Abettors, I have thought fit to give this Publick Notice, and by and with the Advice And Consent of His Majesty's Council to issue this Proclamation, hereby, in His Majesty's Name, strictly charging and Commanding all His Majesty's Subjects not to pay any Regard or Obedience to the before-mentioned, or any other Proclamation of the said Lewis Morris, if he hath been or shall be so Presumptuous as to emit them in any other part of this Province, And that no Person or Persons whatsoever do abet or assist him the said Lewis Morris with respect to his Usurping or taking upon himself the Administration of the Government, as they will answer the Contrary at their Peril.

And I do in His Majesty's Name further Require and

Command all Judges, Justices of the Peace, Sheriffs, and all other Magistrates to whom the Preservation of His Majesty's Peace does more particularly belong, not only that they be Vigilent and Diligent in the due execution of their Respective Offices in the Preservation of the Peace in their respective counties in the Province, but as the best Means to put a speedy end to Faction and Sedition, That they use their utmost Endeavours forth-with, to Cause the said Lewis Morris to be apprehended and conveyed to the Common Goal of the County where he shall be Apprehended, the Keeper whereof is hereby Required and Commanded him to receive and keep in Safe and Close Custody till he shall thence be delivered by due course of Law.

And whereas Further, the said Lewis Morris Esq; did Surreptitiously obtain and is possessed of an additional Royal Instruction from Her Majesty the Queen Regent, and hath Refused, and still doth Refuse to deliver the said Royal Instruction to Me, but Detains and Conceals the same, I being Certified by the Proclamations issued out in the Neighbouring Provinces, and otherwise well assured, that the said Royal Instruction is in these Words, Viz.

Whereas His Majesty was p'easd by His Order in His Privy Council of the 29th of April last to declare His Pleasure, That in the Morning and Evening Prayers in the Litany, and in all other parts of Publick Service, as well in the Occasional Offices as in the Book of Common Prayer, when the Royal Family is Appointed to be particularly Prayed for, the following Form and Order should be observed.

"Our Gracious Queen Caroline, Their Royal High-
"nesses Frederick Prince of Wales. The Princess of
"Wales, The Duke, The Princesses and all the Royal
"Family.

And to the End that the same Form and order may be Observed in all His Majesty's Plantations in America, These are therefore in His Majesty's Name

to Authorize and Require You to cause the same to be forth-with Published in the several Parish Churches, and other Places of Divine Worship, within the said Province under Your Government. And you are to take care that Obedience be paid thereto accordingly.

Do therefore hereby Order and Direct. That the above Form and Order of Prayer for the Royal Family be for the future Observed in the several Parish Churches, and other Places of Divine Worship within this Province.

Given under my Hand and Seal at Arms in Council at New-Brunswick the Twenty Ninth Day of October, in the Tenth year of His Majesty's Reign, Annoq; Domini 1736.

By His Honour's Command,
Lawr. Smyth, D. Secry.

JOHN HAMILTON.

GOD SAVE THE KING.

Letter from Lewis Morris to the Lords of Trade—relating to his claim to the Presidency of the Council of New Jersey.

[From P. R. O. B. T., New Jersey, Vol. IV. F, 24.]

L^r^ from M^r^ Morris, one of the Council of New Jersey, transmitting Sev^l^ Papers complaining of his being deny'd the Exercise of Governm^t^ and Inclosing a Minute of the Council thereon, Copy of their Report on that Subject and of 2 Proclamations issued by M^r^ Morris Rec^d^ 20^th^ Jan'ry 1736-7.

My Lords,

A few dayes after my Arrivall at New York I went to Perth Amboy in New Jersie, where I staid Sometime before Such of the Councill as were Alive and

able to travell could be got together—I had heard that when they reciev'd an Account of my Arrivall at Boston they had entred into a combination not to deliver to me the Seales and other Insignia of the Government on a pretence that my place was Void in Councill by my being absent in England —— but as I went thither to Solicite my restoration to an office I was deprive'd of by Mr Cosby for reasons which upon a hearing were reported to be insufficient; I could not conceive that absence to be within the meaning of his Majesties tenth and Eleaventh Instruction—and this I thought pretty clearly determin'd in my favour by her Majesties additional Instruction directed to me—and did not believe they would venture to dispute an authority that to me appeared to be indisputable—the inclosed coppy of the minute of Councill & letter or report of the foure Councellors Shews that I was not misinform'd—and the printed proclamation herewith Sent, in which they have Omitted her Majesties direction to me (which (it appeares by the minute of Councill) they were not Ignorant of) Shews some of the lengths they have ventur'd to go in opposition to his Majesties Authority. —Your Lordships have herewith coppies of two Proclamations I have published, the one for the Adjournment of the Assembly the other in Obedience to Her Majesties Instruction as is therein recited—these they have taken down in Severall places—and in others threatned Imprisonment to any yt that would set them up—and one Skinner a Missionary from ye Societie for propagating the Gospell being at this place to bury one Forbes A Missionary to this county forbid the Clerk of the Church on his perill to read or publish in the Church the proclamation concerning the form of prayer notwithstanding my Orders to the Clerk for that purpose—this the Clerk said & I ordered one of my sons to do it—The Province is very much divided and distracted on this Occasion and tho' I do believe that

I could and lawfully might raise force enough to Overcome any Opposition; yet in a young Country as this is I choose to decline the use of violent measures unlesse compell'd by necessity—Submitting the whole to his Majestie for his Particular direction therein—which the present condition of the Province seems to require as soon as may be—but this and every thing Else is most humbly Submitted by

My Lords Your Lordships most obedient
and most humble servant
LEWIS MORRIS.

Shrewsbury in the County of Monmouth and Province of New Jersie November 5th 1736.

To the Rt hon^ble^ the Lords Commission^rs^ for Trade and Plantations at Whitehall.

Copy of the Rep^t^ of Four of y^e^ Council of New Jersey to M^r^ Hamilton, Presid^t^ & Com'ander in Chief, dated y^e^ 21^st^ Octob^r^ 1736. Rec^d^ with foregoing letter.

To the Hon^ble^ John Hamilton Esq^r^ President of his Majestys Council and Commander in chief of the Province of New Jersey.

Sir

Col. Morris haveing thought fit Yesterday at the Council Board to Demand the Administration of the Government of this Province by Virtue of his Majesty's Commission and the Royal Instructions to the late Governour and your Honour haveing been pleased to Referr the consideration of that affair to us and laid the Said Commission and Royall Instructions before us that we might be Enabled to form a Judgment whether any Article or Clause Therein can affect the

Present administration of this Government So as to give the Said Coll: Morris any Right thereto Wee have with all the caution and attention that Becomes us on this Extraordinary Occasion perused them both and do find that the last Clause of the Royal Commission is in these words Viz^{t} "And if upon your death or Absence "out of our Said Province there be no Person upon "the Place Commissionated or appointed by us "to be our Lieutenant Governour or Commander in "chief of the said Province, our Will and Pleasure is "*that the Eldest Councellor whose name is first placed* "*in our said Instructions to you, And who shall be at* "*the time of your death or Absence Resideing with in* "*our said Province of New Jersey shall take upon* "*him the Administration of the Government* and "Execute our Said Commission and Instructions and "the Severall Powers and Authorities therein con-"tained in the Same manner and to all intents and "purposes as other our Gevernour or Commander in "chief of our Said Province Should or ought to do in "case of your Absence untill your Return or in all "Cases until our further Pleasure be Known Therein" from whence we think it very clear and plain that the administration of the Government is Legally vested in your Honour and Devolved on you upon the death of the late President Col Anderson you being at that time the Eldest Councellor Resideing with in the Said province and haveing been duly Sworn thereinto, *And though by the Royal Instructions Col Morriss name is the first in the list of Councellors* We cannot think his Return from England (where he was at the time last mentioned) can anyways Entitle him to the Government because the Clause in the Royal Commission above mentioned Seems to us to be a Barr against any Such pretention, for we find in the minutes of Council An Instruction bearing Date the third day of May 1707 from her late Majesty Queen Anne to the Lord

Cornbury then Governour of this Province in these words Viz^{t} "*Whereas* by a Clause in our Commission "and Instructions to you our Captain General and "Governour in chief of our Said Province of New- "Jersey it is directed, that upon your death or "Absence in case there be no Lieutenant Governour "appointed by us upon the place then the Council to "take upon them the Administration of the Govern- "ment and that the Eldest councellor do Preside, As "by the Said Commission and Instructions is more "particularly Set forth, And we haveing Observed "that this Instruction has given occasion of many "Controversies and disputes between the Presidents "and the Councellors and between the Councellors "themselves and other ways in Severall of our Plan- "tations to the great hindrance of the publick Busy- "ness and the prejudice and Disturbance of our "Service there. Our Will and Pleasure therefore is "that if upon your Death or Absence there be no per "son upon the place Commissionated by us to be our "Lieutenant Governour or Commander in chief the "Eldest councellor whose name is first placed in our "Said Instructions to you and who shall be at that "time of your death or absence Resideing within our "Said Province of New Jersey Shall take upon him "the Administration of the Government and Execute "our Said Com'ission and Instructions and the Several "powers and Authoritys therein contained in the "Same manner and to all intents and purposes as "either our Governour or Commander in chief Should "or ought to Do in Case of your Absence untill your "Return or in all cases until our further Pleasure be "Known therein"—which are the very words in the above mentioned clause and appear to us to be in Order to prevent disputes of this very nature and are full in the present Case Neither do we think any thing less than the Royall pleasure Signified in Express

words can divest your honour of the Administration or Give Coll Morris a Right to it, *not the Royal instruction* (a *copy of which he* tendred to the board Yesterday) *had he been pleased to Shew* it for it appears by the minutes of Council That that very Gentleman was in the year 1709 Suspended from his place in the Council here, and was not restored thereto but by a Letter from her late Majesty Queen Anne under her Sign Manuall [to] Col. Hunter then Governour of this province Dated the 8th of January 1709–10 commanding her Said Governour to Restore him (in Express words) to his Place and Precedency in the Council How much more reason is there then to Expect the Order should be very express that is to divest you of the administration of this government, of which you are in possession by Express words both in the Royal Commission and instructions to the late Governour

For we cannot find anything in the Royal Instructions that can give Col. Morris Any colour or pretence to demand or take upon him the admistration of the Government Except his name being first in the list of the Councellors, *as in truth it is in the Instruction N*º 1. But that Gentleman was in England and had been there more than twelve months before the death either of the late Governour or President as is before mentioned and did Absent himself from this province and continue Absent for near the Space of two years without leave from the then governour under his hand and Seal *or any other ways that we could ever hear or learn* And therefore we are of Opinion that by the Kings Instruction Nº 10. His place in his Majesties Councill in this province is become void. And upon the Whole that the Administration of the Government is legally and Rightfully vested in your Honour, And we make no Question but you will Steadyly pursue Such measures as may best Conduce to the Honour and Interest of his Majesty and his good Subjects here

and Exert the Authority you are cloathed with in the Preservation of the peace of the Province

John Reading
Octo^{r} 21st 1736 Cornelius Van Horne
William Provoost
Tho^{s} Farmar

Letter from President Hamilton to the Duke of Newcastle—about the proceedings of Mr. Morris.

[From P. R. O., America and West Indies, Vol. XII, p. 49.]

Amboy New Jersey Nov^{r} 22^{d} 1736

May it please your Grace

Since I had the Hon^{r} to write to your Grace & transmit the Minutes of Council to that time and the Councils Report relating to Col Morris's demand of the Administration of the Government of this Province, That Gentleman not haveing patience to wait His Majestys Royall pleasure but continuing to disturb the peace and quiet of this Goverment as much as in him Lay Affixed up two proclamations under his hand and Seal att the Court house Door of this City the One for Adjourning the assembly of this province the other about praying for her Royall Highnes the Princess of Wales This Obliged me to call a Council which was Very difficult to be done att that time and by their Advice I issued a Proclamation for apprehending M^{r} Morris I Likewise Ordered prayers to be used for Her Royall Highness pursuant to the Royall Instruction I have now the Hon^{r} to Send Your Grace the last Minute of Councill & humbly take Leave with Saying I am with the greatest Duty

May it please Your Grace Your Graces
most Devoted and most Obedient Servant
John Hamilton

From the Lords of Trade to the Duke of Newcastle— about the difficulties in New Jersey.

[From P. R. O. B. T., New Jersey, Vol. XIV, p. 394.]

Letter to the Duke of Newcastle, transmitting Copies of several Papers from Mr. Hamilton & Mr. Morris January ye. 25th. 1736–7

To His Grace the Duke of Newcastle.

My Lord,

We take Leave to inclose, to your Grace, Copies of two Letters which We have received from Mr. Hamilton President of the Council and Commander in Chief of New Jersey, & from Mr. Morris, of the same Place complaining that Mr. Hamilton detains that Command from him; We likewise inclose to your Grace Copies of some Minutes of Council, and of some other Papers upon the same Subject transmitted to Us from thence and at the same time We take leave to acquaint Your Grace.

That by a Clause in the Commission to the Govr. of of New Jersey, His Majesty has been pleased to Signifie his Pleasure That in case of the Govrs. Death, or Absence out of the Province, if no Person is commission'd by His Majesty to be Lieut. Govr. or commander in Chief, the Eldest Councillor, whose Name is first placed in the Instructions and who shall, at the time of the Death or Absence of the Govr. be residing in the Province of New Jersey shall take upon him the Administration of the Government and Execute His Majesty's Commission and Instructions and the several Powers and Authorities therein contained in the same manner and to all Intents & Purposes (as the Govr. of the Province should or ought to do) until the Govrs.

Return, or in all cases untill the Kings further Pleasure shall be known therein.

By the 10th Article of the Kings Instructions to his Govr of New Jersey, Any Councillor who shall continue Absent above a Year, without Leave under the Hand and Seal of the Govr or above two Years without the King's Leave under the Royal Signature, his Place in the said Council shall immediately become void.

When Colo Cosby the late Govr died, Mr Morris had been in England above a Year, without any leave from the Govr for that purpose; as appears by the Report of the Council for that Province here inclosed; Mr Anderson therefore, being the first Councillor residing in the Province took upon him the Government according to the King's Commission as before recited and held the same until his Death, when Mr Hamilton on the 31st of March 1736, the next eldest Councillor in Rank and who was at that time residing in the Province took the Government into His hands by the Advice of the Council and at the same time qualified himself, for the Administration thereof.

On the 20th of October last Mr Morris, who had been absent for near two Years from the Jerseys demanded in Council there that the Administration of the Govr should be delivered to him, which having been refused by Mr Hamilton the present Commander of New Jersey, We take leave to acquaint Your Grace that in Our Opinion, Mr Hamilton, being in Possession of the Administration of the Government of New Jersey in express Conformity to His Majestys Commission He cannot, without a Breach of his Duty give up the same; to any Person whatsoever, until His Majesty's Pleasure shall be known.

We are likewise of Opinion that Mr Morris has forfeited his Seat in the Council of New Jersey unless he may have obtained any Licence of Leave unknown to us, for the time he has been Absent from his Duty in that Province & therefore, as well as for the reasons

in the preceeding Paragrapte very Improper in his Demand of the Government from M^r^ Hamilton.

As M^r^ Morris has taken upon him, in a very unwarrantable manner, to issue Proclamations and attempt other Acts of Government which Parties and Divisions may be very much fomented and encreased in that Province, We desire Your Grace will please to lay this Affaire before His Majesty and to receive His Majesty's Commands thereupon by which the Peace of the Province may be restored.

We are My Lord Your Graces
most Obedient and most humble Serv^ts^
FITZ-WALTER.
T: PELHAM.
Whitehall Jan^ry^ 25^th^ 1736-7. M: BLADEN.
EW^D^ ASHE.
PRL: BRIDGEMAN.

Letter from President Hamilton to the Secretary of the Lords of Trade—complaining of Lewis Morris.

[From P. R. O. B. T. New Jersey, Vol. IV, F, 27.]

Letter from M^r^ Hamilton Commander in Chief of New Jersey to the Sec^ry^ dated March 25^th^ 1737, complaining of M^r^ Morris for disturbing the Peace of the Province and inclosing a State of the Case between them and a Proclamation issued by M^r^ Morris pretending a power to Adjourn the Assembly. Rec^d^ June 7^th^ 1737.

[Allured Popple Esq^r^]

Sir,

I have the Hon^r^ of Your Letter dat'd the 22^d^ of Oct^r^ last & desired the Gentlemen My Lords Commission-

ers were pleased to Recommend to his Majesty for Councellors in this Province to take the proper Methods to gett their Warrants w^{ch} they would sooner have done but this was the first certain Account they had of their being Recommended.

You will See by the Letter I had the Hon^{r} to write to My Lords Com^{rs} the 22^{d} of Nov^{r} last and the Minutes of Councill I transmitted their Lordships att the Same time, the Steps M^{r} Morris took to disturb the Peace of this Goverm^{t} and thô he lives in the Goverm^{t} of New York he Still Continues to do so as farr as in him Lyes by privately fixing up proclamations for Adjourning the Assembly one of which is Inclosed but as he is universally disliked by all sorts of People here his Endeavor'g provs vain and We are att perfect quiet.

I take the Liberty of Sending you the Case Stated betwixt M^{r} Morris & My Self and desire you will be pleased to Lay it befor their Lordships who I hope will doe me the Hon^{r} to beleive I have done the Utmost to discharge my Duty for His Majestys Service & the prosperity of this province

I am with the greatest Regard
Sir Your Most Obedient and
most humble Servant

Amboy, March 25th 1737. John Hamilton.

Reasons why M^{r} Hamilton is rightfully Entitled to the Government of New Jersey notwithstanding the claim of M^{r} Morris.

The State of that matter is supposed to be thus Viz: amongst his Majesty's Instructions to the late Governor Cosby there is one wherein all the Councillors are appointed and therein M^{r} Morris is named first M^{r} Anderson second and M^{r} Hamilton third.

By the Instruction N^{o} 10 it is provided that if any of the Council absent themselves from the Province and

continue Absent above the space of twelve months together without leave from the Governor first Obtained under his hand and Seal their Place or Places in the said Council shall immediately become Void.

In the Kings Commission to the said late Governor is the Clause following Viz^{t}

And if upon your death or absence out of Our said province there be no Person upon the Place Commissionated by Us to be Our Lieutenant Governor Our Will and Pleasure is that the oldest Councillor whose name is first placed in Our Instructions to You and who shall be at the time of Your Death or Absence Residing within Our said Province of New Jersey shall take upon him the Administration of the Government and Execute Our said Commission and Instructions and the several powers and Authorities therein contained in the same manner and to all intents and purposes as other Our Governor or Commander in Chief of Our said Province should or ought to do in Case of Your Absence untill Your Return or in all Cases untill Our further pleasure is known therein.

In or about October 1734 M^{r} Morris went to England without any leave from the Gov^{r} and continued there untill some time in August 1736 about which time he left England and Arrived at Boston in New England some time in or about September 1736 and did not go to New Jersey province untill about the 16th of October 1736.

On the tenth of March 1735-6 the late Governor Cosby Dyed and (M^{r} Morris then being in England) M^{r} Anderson being the Eldest Councillor then Residing in the Province was Sworn into the Administration of the Government and continued in the Exercise thereof untill the 28th of March 1736 when he Dyed and (M^{r} Morris being then still in England) M^{r} Hamilton being the Eldest Councillor then Residing in the Province by the Advice and Consent of the Council was Sworn into the

Administration of the Government and continued in the Exercise thereof untill about the 18th or 19th of October 1736 when Mr Morris claimed the Government by virtue of the Kings Commission and Instructions to the late Governor Cosby upon which Mr Hamilton called a Council and Desired their Opinion and Advice thereon Who unanimously gave their Opinion that the Administration of the Government was lawfully and rightfully vested in Mr Hamilton and gave their Reasons at large two of which seem very strong.

One is that as Mr Morris had Absented himself and continued Absent from the Province for above twelve months without leave from the Govr his place in the Council became Void by the Instruction No. 10 so that he was not a Councillor at the Death of the Govr or at the Death of Mr Anderson.

To this it is thought Mr Morris will say he never had Notice of that Instruction and it is supposed now the Governor is Dead that no direct proof can be made that he had But this or the like has been a Standing Instruction to the Governors of New York and New Jersey for many Years past and upon the Death of the late Governor Montgomerie who Dyed Governor of New York and New Jersey in 1731 Mr Morris was Sworn into the Administration of the Government of New Jersey as being Eldest Councillor and the Commission and Instructions to said Govr Montgomerie were Delivered to Mr Morris amongst which one was of the like Tenor and it is supposed he has the same Sill by him It is also presumed that Governor Hunter had the like Instruction and upon his going to England about the Year 1719 the Commission and Instructions to him were Delivered to Mr Morris who held the Administration of New Jersey Government by virtue thereof untill Governor Burnetts Arrivall in 1719 or 1720.

The other Reason given by the Council is If Mr

Morris had been a Councillor Yet being in England on the Death of the Governor and at the Death of Mr Anderson he could not be said to be Residing in the Province and therefore by the Commission he could not be Entitled to the Government And if Mr Hamilton was not then Entitled thereto there was no person then Residing in the Province that was.

To this there have been two Answers given one is that Mr Morris then had a House and Plantation and part of his Family in that Province by which he might be called a Resident there.

As to which whether by his having a House &c[a] he might be called a Resident or not may be questioned but it is concieved that as he was in England at the Death of the late Governor and on the Death of Mr Anderson and for many months after he could not be said to be then Residing in the Province within the meaning of the said Commission For if so then he only was Entitled to the Government and no other Person could thereby take the Administration thereof upon him and the Government must have remained without a head untill he pleased to go there which would have made such a Chasm in the Government there as would have been very Detrimental to the Affairs of the Province and which it is supposed the Commission principally intended to Guard against and prevent by adding those words viz: Who shall be at the time of Your Death or Absence Residing in the said Province and besides if this Answer be Allowed all the Acts of Government done by Mr Anderson and Mr Hamilton for now upwards of Eight Months would be Rendered void or at least disputable.

The other Answer that has been given is that Altho' Mr Morris was not Residing in the Province at the Death of the late Governor or on the Death of Mr Anderson Yet when he afterwards came into the Province he was Residing and then became Entitled to the

Government as to which by the words of the said Commission it is concieved that whoever on the Death of the Governor or Commander in Chief is Entitled thereby to take the Administration of the Government upon him and Actually doth so he is thereby Expressly directed to Execute the Powers thereof in all Cases untill the King's further Pleasure be known therein And there are no words in the said Commission or Instructions whereby the Eldest Councillor who was not Residing in the Province on the Death of the Commander in Chief can claim the Government on his going to reside there afterwards and after another had been regularly Sworn into the Administration thereof wherefore it is concieved That Mr Hamilton cannot without a breach of his Duty to his Majesty give up the Government the Powers whereof he has been Sworn to Execute in all Cases untill the Kings Pleasure be further known therein. But as it is supposed that Mr Morris did not think himself Entitled to the Government by Virtue of the Commission and Instructions to the late Governor he therefore Insisted upon another thing in support of his Claim and that is an additional Instruction Granted by her Majesty Dated the first of June 1736 Appointing in what Form and Order the Royal Family should be prayed for and that Instruction being directed to Lewis Morris Esqr President of his Majesty's Council and Commander in Chief of his Majesty's Province of New Jersey or the Commander in Chief of the said Province for the time being, Mr Morris insisted that her Majesty thereby signified her pleasure that he should be what he is thereby called and Offered what he called a Copy thereof but did not show or Deliver the Original to Mr Hamilton or the Council for their perusal without which it is concieved they could not be said to have Regular Notice thereof for they were not bound to take Notice of what he was pleased to call a Copy. But suppose he

had produced the Original Yet it is concieved it would not Answer what is inferred therefrom for the following Reasons.

1st At the time of making that Instruction Mr Morris either was or was not President & Commander in Chief of New Jersey, if he was he would be so without this Instruction and then the Instruction is out of the Case And if he was not then it is concieved the bare Directing of such and Instruction calling him (which can Amount to no more than supposing him to be) President and Commander in Chief cannot be Sufficient or said to be intended to make him so For suppose the Instruction had been directed to any other Person calling him President and Commander in Chief who was not so before it is thought Mr Hamilton would not be right in parting with the Government to such Person.

2d By the Tenor of that Instruction it seems to be the Form of One made to send to each of his Majesty's Plantations in Americą and nothing appears thereby to be had under her Majesty's consideration but the giving Directions in what Form and Order the Royal Family should be prayed for And as there was one to be sent to each of the Governments in his Majesty's Plantations in America the Directions upon each to each Government must have been left as a thing of course to be made by the Office according to what Notice they had of who was Governor or President or Commander in Chief of each Province and it does not appear by this Instruction that the affairs of New Jersey Province were any way under any consideration more than the Affairs of any other Province.

3d Altho in England they had Notice of the late Governors Death it does not appear by this Instruction they had (and it is more than probable to suppose they had not) any Regular Notice of Mr Anderson or Mr Hamilton having been Sworn into the Administration

of the Government of New Jersey And if so they could have nothing in the Offices in England to Guide themselves by in drawing the Directions of the Instruction but by looking over the Instructions to the late Governor wherein Lewis Morris's name is first mentioned and therefore the same was directed to him supposing him of course to be President and Commander in Chief And besides it is not directed to him only but it is directed to him or to the Commander in Chief of the said Province for the time being.

4. It does not appear by this Instruction that her Majesty at the time of Granting thereof had under her Royal Consideration that Mr Morris had Absented himself from the Province above twelve Months without any leave from the Governor or that thereby his Place in the Council became void or that by his not residing in the Province on the Death of the Governor or of Mr Anderson he was not Entitled to the Government or that Mr Hamilton had been regularly Sworn into the Administration of the Government Now if none of those things were considered of by or known to her Majesty how can it be imagined that her Majesty thereby intended to signify her Pleasure that Mr Morris should be President or Commander in Chief and further it no way appears that her Majesty had under her consideration the Appointment of who should or who should not have the Government or to determine who was or who was not Entitled thereto and therefore it seems unreasonable to suppose her Majesty Determined or signified her pleasure on a point that was not under her consideration.

5th It can't even well be supposed that any of those things had been offered to her Majesty's consideration or to have her pleasure signified thereon because if they had it cant be supposed but that her Majesty would have signified her pleasure thereon in Express and Explicit Terms.

6th By this Instructions being directed to Lewis Morris as President and Commander in Chief it is plain that it was directed to him (not to Appoint him to be so thereafter but) upon a supposition that he was so at that time and Yet in Fact he was not so as appears before and therefore it must be presumed that they had not any Notice in England that Mr Hamilton was Sworn into the Administration of the Government and if they had had notice in all probability this would have been directed to him.

7th The reasonableness of this probability appears in a late Instance of the like Instruction which was sent to New York Government and was directed to George Clarke as President of the Council and Commander in Chief of that Province Altho Rip Van Dam was the Eldest Councillor first named in the Instructions for New York there having been proper Notice sent to England of Mr Van Dam's suspension and of Mr Clarke's having been Sworn into the Administration there And if such Notice had not been sent from New York they could have had nothing in England to guide themselves by in drawing the Directions of that Instruction but by looking over the Instructions to the late Governor wherein Mr Van Dam's name is first mentioned and therefore without such Notice that Instruction would undoubtedly have been directed to him.



By The Honble Lewis Morris Esqr President of His Majesties Council and Commander in Chief of the Province of Nova Cæsaria or New Jersie.—

A Proclamation.

Whereas the General Assembly of the Province of Nova Cæsaria or New Jersie stands adjourned by me

unto the tenth day of this instant February, I have thought fit for his Majesties farther to adjourne the said gen[ll] Assembly untill the twenty sixth day of April now next ensuing and by Vertue of his Majesties Authority given unto me by his Royal Letters Pattent under the Great seal of England heretofore made Publick in the said Province on the Arrival of his late Excellency Collonel William Cosby then Governor the said Province and still remaining of record in the same and also farther coroberated by her Majjesty (at that time regent of the Kingdom of Great Britain) by her Additional Instruction under her Royal Signet and signe manual directed to me bearing date at Kensington the first day of June 1736 in the Ninth Year of his Majesties Reign. I do hereby adjourne the said General Assembly untill the twenty sixth day of Aprill which will be in the year of our Lord 1737 then to meet at the City of Perth Amboy in the said Province and they are hereby Adjourned Accordingly.

Given under my hand and seal at Armes at Hackingsack in the County of Bergen this Eighth day of February 1736 in the tenth year of his Majesties Reign.

LEWIS MORRIS.

GOD SAVE THE KING.

From the Lords of Trade to President Hamilton—informing him of the appointment of Lord Delaware to be Governor of New York and New Jersey.

[From P. R. O. B. T. New Jersey, Vol. XIV, p. 399.]

To John Hamilton Esq[r] President of the Council, & Commander in Chief of New Jersey.

Sir,

We should by this Conveyance, have answered Your

Letters of the 2d of Novbr 1736, & 25th of March 1737, but that His Majesty has been pleased to appoint the Rt Honble the Lord Dela-warr Govr of New York & New Jersey; And as he will with all convenient Speed set out for his Government. We have only to desire that until His Lordships Arrival you will do your utmost to preserve the Tranquillity of the Province under your Command So We bid you heartily farewell and are.[1]

Your very loving Friends and humble Servts

T Pelham.

Whitehall June ye 22d 1737. Ja Brudenell.

R: Plumer.

Letter from Lewis Morris to the Duke of Newcastle.

Morrisania June 23d 1737

May it please your Grace

I did on ye 22 of October 1736 from Amboy in Jersie give your grace an Account of my arrivall in Jersie and the reception I there met with. I have not had the honour to know what his Majesties determination hath been in that case or receive any directions concerning it. I do myselfe the honour to Send your Grace a Print I Published observing on Mr Hamiltons Reasons which is humbly Submitted by

Your Graces most Obedient
and most humble Servant

Lewis Morris.

[1] John West, 7th Lord Delaware, K. B., never entered upon his duties, and resigned in September following, on being made Colonel of the first troop of Life Guards.—*Dr. O'Callaghan.*—N. Y. Col. Docts., Vol. VI., p. 163.

Communication from Lewis Morris—relating to his difficulties with President Hamilton, enclosed in the foregoing letter of the Lords of Trade

OBSERVATIONS On the REASONS given by Mr Hamilton's Advisers, for his Detaining the Seals of the Province of New Jersie, after the Demand made of them by Lewis Morris, Esq; President of the Council and Commander in Chief of the Province of New-Jersie. In a LETTER to a FRIEND.

Sir,

I wrote to you lately by a Gentleman, and was very much in Expectation of an Answer; but nothing of that kind is yet come to hand, which occasions my giving you this farther Trouble. I did not make any Observations on the Reasons given by Mr. Hamilton's Advisers (which I doubt not you have seen) tho' they lay open enough for Observation to a less judicious Reader than you are, who could easily see the Fallacy of them without any Endeavour of mine to point them out. There are two Things they seem to ground themselves upon: The first is a private Instruction to the Governor, never notified to the Council, nor entered in the Council-Books, by which it is said to the Governor, That if a Councillour be absent a certain Time without the Governor's Leave under Hand and Seal, and continues absent twelve months without the King's Leave his Place in Council to be void. This Instruction, if true as they cite it (which I doubt, it being different from that to Montgomerie, which was an Absence of two months without the Governor's

Leave, and continuing absent two years without the the King's Leave, which is the Instruction agreed to by the Proprietors on the Surrender of the Government, and given to all the Governors since that time, and therefore 'tis most likely the same was given to Cosby) yet it being an Instruction, and in its own Nature private, cannot be supposed to be binding upon the Councillor, unless notified to him: And the next Instruction, which gives the Governor a power of Suspension for such Absence, directs it to be done after previous Admonition; so that it is a contemptuous Absence that falls within the Meaning of these Instructions, and a persisting in it after Admonition, contrary to his known Duty, that would have justified even the Governor himself either to have suspended or declared the place void. And as the Governor could not have justifiably done the one or the other, but within the meaning of those Instructions; so his not having done it at all (and which he might have done by the Plentitude of his power, without any Instruction) shews first, that he did not think me within the Meaning of it; and secondly, that I needed not be restored to what I was never deprived of. What makes it yet clearer that Cosby never thought my Absence such as to be within the meaning of these Instructions, is, that he wrote to the Lords of Trade to get me removed at home; This, and the Queens Additional Instruction to me, plainly shew, that my Place was not at that Time void (tho' always voidable) in the Opinion of the Queen and Ministry. But to this they said, The Queen was mistaken. I am weak enough to think, that if the Queen had directed to any person who had never been of the Council, it would be rash to call it a mistake, and upon that Notion to disobey it. For tho' possibly she might have been mistaken in the Addition or Appellation of the person and called one President that was not so (which is not to be

admitted in this Case) yet, as I take it, the Office would have been conferr'd by it, tho' he was not so before, And, if such a Direction had come to Van Dam, who was (or was said to be) actually suspended, yet, as such a Direction would have been a new Creation of any Person who had never been a Councellor (it being solely the Signification of the King's Pleasure in that Case that either makes a Councellor or a President) so it would have been an actual Restoration of him to that Place, tho' the Word Restore had not been made use of: For in these Cases the King is not tyed up to use a particular Form in the Signification of his Pleasure; any Form that lets us know what that Pleasure is, being sufficient to require our Obedience in Cases of this kind. To render this still more clear, viz. that the Word Restore, or other express Words (as the Gentlemen in the Opposition are pleased to word it) of that Kind and Signification are not absolutely or generally necessary in the Signification of the King's Pleasure, to restore a suspended Councellor to his Office and Place; I believe it will be admitted by all Men the least conversant in these Matters, that in Case one or more Councellors were suspended by a former Governor, yet the bare Naming of these as Councellors in these Instructions to the new Governor, under the Signet and Sign Manual, in the Same Order they were in before, would be a Restoration of that one or more to his or their Places in Council, without any express Words of Restoration, or Words of the same Signification. So if other Councellors had been by the former Governor named and sworn into the Council, yet the Preterition, Passing-by and not Naming of such Councellors in the new Instructions, would be a Divesting them of the former Authority they were vested with, with-out any express Words, or any words at all. This leads me to take Notice of what they call a Letter from Queen Anne, of Jan.

1709-10, to Governor Hunter in my own Case, on which they found their Argument of the Necessity of express Words to divest an Authority once vested; which I suppose the Hints from some Smatterers in the Law has induced them to think of very great Force in this Case. It happened by their own shewing, nigh twenty seven years since, when two of the Signers of the Letter to Mr. Hamilton, were but young Men, and the other two Children; and none of them then so well acquainted with Things of that nature, as to form a proper Judgment; and seem now to have forgot the circumstances of that particular Fact; which had they remembered, I persuade my self men of their supposed Sagacity would not have laid any stress upon it, or drawn consequences so foreign (as I think) to the Nature of the Thing, and which, when set in its true Light, will, I believe, not prove of that Service to them that they imagine.

It is true that I was suspended by the Lord Cornbury, and that more than once or twice; and for that and other Male-Administration, his Lordship was recall'd. But in making out the new Set of Instructions to Mr. Hunter, my Name was omitted, and I think Col Pinhorn was in those Instructions first named; in consequence of which, on the Death or Absence of Mr. Hunter, the Government would have devolved upon the Person first-named, by the express Words of the Kings Letters Patent. This was not perceived until the General Instructions had passed the usual Formalities. But when it was, there was an Additional Instruction, (which these Gentlemen call a Letter) form'd on that Occasion in that particular manner, to restore me to my Place and Precedency in the Council; which express Words, (as the Gentlemen call them) had been needless, had I been first named in the General Instructions. And this Additional Instruction was formed to supply that Defect, and for

that reason entered into the Council-Books; not to divest the first or next nam'd Councellor of any Authority they were at that time vested with, but to prevent them or any other Councellor named in those General Instructions, from the Use and Exercise of an Authority under colour of the Queen's Patent and Instructions (and seemingly warranted by them) which it was not intended they should do: And in that Case so circumstanced these express Words were necessary, to shew that the Person first named in the general Instructions, notwithstanding he was there first named, was not the Person authorized to take the Government upon him upon the Death of a Governor, As such an authority can only vest in any Person on the Death or Absence of a Governor, and by such Death, &c. is then vested in the eldest Councellor, which at that Time was my-self; so if they will argue consistently with their own Principles, it is incumbent on them to shew some express Words of equal Authority with the Patent and Instructions, that divested me of that Authority I was by the Death of the Governor vested with. I make use of their own Terms of Vesting and Divesting, or, in plain English, Cloathing and Uncloathing. To this they answer, That by the express Words of the Instruction, the Authority is vested in the eldest *Residing* Councellor, which may be the second, third, &c. These may be express Words, to vest the Second or Third, who by the Accident of being on the Spot at the time of the Death, is intituled, pro tempore; but are these express Words to divest the eldest? by no means. It is the Accident of Residence in this Case may vest the youngest; but doth that divest the Eldest, and all his (the youngest's) other Seniors? and by an Inversion of the Order of Nature and Things make the Death or Absence of the Youngest necessary, before the Elder can take upon him the like authority? Or doth the

Vesting of an Inferior with an Authority, by that Fact divest a Superior? Every day's Practice shews the contrary, in Guardians of the Realm, second and third Lieutenants, Sub Sherriffs, &c. who are fully vested in the Absence of their Superiors; and do not, by being so vested, divest their Superiors; but have that Authority only for a Time, viz. till the Return of their Superiors. This shews that a Man may be vested with an Authority, and all the Authority of another, and yet by being so vested doth not divest that other. This I suppose they will easily grant, but say the Cases are by no Means parallel; for the Persons mentioned are known to have a temporary Authority, and made for a temporary End, viz. to Execute the place of their Principals during their Absence and until their Return; but that the Case of a resident second or third Councellor is very different; for he being sworn, and by that and the Possession of the Seals, vested; tho' vested with a temporary Authority and for a temporary End, yet being so vested, he is, in the Case of the Absence of a Governor, to administer the Government until his Return; or, in case of his Death, until the Arrival of another, or until his Majesty signifies his Pleasure in express Terms to revoke his Authority; and That, notwithstanding the Return of the eldest Councellor, or any of his Seniors; who (by his the Younger's being sworn, &c.) are divested of the Authority that otherwise the Eldest would have had. This they do and must say to speak consistently; for otherwise the Words Vesting and Divesting are in this Case but empty Sounds, without any Meaning but to amuse and deceive their Readers. But if the Case be not so, and the younger Councellor is not so vested as to divest the Elder, but holds his place only pro tempore, and in the Interim until the Eldest come upon the Spot, and is so understood and intended to do by the King and Ministry, what have the Gentlemen in

the Opposition, and those that abet them, been doing? What the Meaning and Intentions of the Kings Instructions are, and what Interpretation is to be put upon the Directions there given, with respect to the Authority given the eldest Councellor residing, is only to be determined by the King himself; and that I take to be sufficiently and clearly done by the additional Instruction to me directed. Had I been somewhere in America not in Jersey, at the Time that Direction was given, there might have been Some Colour to have surmised that the Queen and Ministry were mistaken, and directed to a person they believed to be in the actual Administration when he was not: But, I being in England at that time, and it being known to Queen then Guardian of the Realm, and the British Court, that I was so, there is no room left for such Surmise: And it is a clear Determination, that the Eldest Councellor, tho' absent at the Death of the Governor, really is and is esteemed the Commander in Chief of this Province; and that any younger Councellor taking the Administration by being upon the Spot is only in the Administration in the Interim until the eldest Councellor comes upon the Spot; and no otherwise vested with that Authority, than as a Lieutenant or other inferior officer is in the Absence of his Superior.

These Gentlemen seem to be in quest of Pretences to justify their Opposition, like drowning men willing to lay hold of anything to save themselves. In the first place, the being upon the Spot, and being once vested with the Authority, is not to be divested but by express Words, is laid hold on; and lest that should not do, the next is, that my Place in Council being void by my Absence without any Leave that they know of. But these pretences, like two Sun-Dials placed at the Corner of a Church, tho' the Shade is cast by the same Sun, are made so as to contradict each other, and both of them the Truth; For, if the

Pretence of being once vested has any weight, or was true (as it is not) whether my place in Council was void or not is not at all material: For according to that, had I continued eldest Councellor, and been absent in New York or Pennsylvania, just cross the the Water at the Time of the Death, I should have been no more intituled to the Administration than if I had been in England or Japan. In the next place, if my Place being void in Council gives the next eldest a Title, the being vested &c. is foreign to the Purpose, for in that Case he had a Right to be vested antecedent to his being so, and being vested afterwards, gave no Addition to his Authority. If they lay any Stress upon what they say in that Case, it amounts to a Confession, that if it was not void I am intituled to the Administration. That it neither was nor is void, the Queen has sufficiently determined; but it seems the Queen is mistaken: How or why she is so, they and their Abettors may one Day make out, when they have more Leisure to consider of that Matter than at present: But in the mean time, if they lay no Stress upon that Argument, why do they make use of it? and in such a manner too, as makes it evident, that even they themselves doubted whether it was void or not. They say, they do not find any Colour for me to demand the Administration, but by my Name being first placed in the royal Instructions, which they confess it is in the Instruction N^{o} 1. They might have added, "and that by the Royal Patent, he whose Name was first placed in those Royal Instructions, was on the Death, &c. to take upon him the Government, and execute all the Powers and Authorities in that Commission contained: And also that the Queen by another Royal Instruction directed to me by Name, calls me President of the Council and Commander in Chief of the province of New-Jersey, which She says is under my Government. But to obviate and oppose

any Claim made by me, either by Virtue of the Royal Patent and Instructions, or Additional Instruction declaratory of their Meaning, or on any Pretence whatsoever, they say "That I was in England, and had been "there more than twelve months before the Death of "the late Governor or President, and did absent my "self from the Province, and continue absent from "the Province nigh two years without Leave from the "then Governor, under his Hand and Seal, or any "otherwise that they could ever hear or learn; and "therefore they are of Opinion, that by the Kings "Instruction N° X. my Place in Council here is "become void." Whether they mean by [any otherwise] a Leave from the Governor in any other Manner than under his Hand and Seal, or any other kind of Leave than what the Governor could give, is what I do not well understand: But be it one or other, it will not follow, that a Thing was not so because they did not know or did never hear that it was; or that I had not sufficient Leave, because they never heard that I had. By their own Confession, their Opinion of my Place's being void in Council, is not founded on my Want of sufficient Leave for that purpose, but from their Want of Knowledge that I had. I wont say these Gentlemen are the first that founded a Positive Opinion upon their Nescience, but I believe they will be the only Persons that will attempt to justify it upon that foot. Ignorance may sometimes be admitted in Excuse to palliate a wrong Procedure, but not to justify it; and never in Men that either did or might have known better if they would. My Absence from New-Jersie was either in New-York or in England, and if I had a sufficient Leave for that Absence, either from the Governor or his Superiors, it would justifie that Absence, whether these Gentlemen knew it or not: And it would not be such an Absence as is within any Meaning of the Instruction they refer to. While

I continued Chief Justice of New-York, the King's Commission to me, known to the Governor, sufficiently authorized my Absence. When the Assembly Sat in New-Jersie, I was attending the Service of that Commission: But if I had not, it is well known to many, and I doubt not to these Gentlemen, that the Governor, for Reasons best known to himself, never desired my Presence there, but the contrary; for which Reason I never had any Summons sent me: So that my Absence was so far from being without his Leave, that my Presence would have been so. And his not summoning of me was not only a Leave otherwise than under Hand and Seal, for my being absent, but a tacit command for my being so. When I was in England, it was to prosecute a Suit and Complaint against the Governor himself, which I might do withont his Leave; and every Suitor has in all such Cases the King's Leave imply'd; and none of these Absences within the Meaning and Intention of the Instruction refer'd to.

While I am writing This, a printed Proclamation, issued by Mr. Hamilton, is come to my Hand, (which I suppose you have seen) by which they attempt to justify their Opposition, on the pretence of my Place in Council being void. They have inserted Part of the Instruction to me, but left out the Direction, viz, Additional Instruction to Lewis Morris Esq; President of His Majesty's Council, and Commander in Chief in and over the Province of Nova Cæsarea, or New-Jersey in America, or to the Commander in Chief for the time being. Given at the Court at Kensington, the first day of June 1736, in the ninth year of His Majesty's Reign. Why they omitted this Direction they can best tell; but I believe indifferent persons will put a Construction upon their Conduct in this Case, not much to their Advantage.

I have no Inclinations to proceed to violent

Measures, which probably will be attended with Bloodshed; and therefore choose to submit the whole to his Majesty, who is the best Judge of his own Commands, and what Obedience is due to them.

I had almost forgot to observe, that the Instruction cited in their Letter or Report to Mr Hamilton, they say, appears to them to be in order to prevent Disputes of this Nature. I believe, with them, it was to prevent Disputes, but it was such Disputes as had happened, which were of a Nature something different from this, which I don't remember to have happened any where; nor did those Disputes mentioned ever happen here; my Lord Cornbury being the first Governor sent by the King, since the Surrender of the Government. Nor could the Dispute now subsisting have ever happened, if the Reporters had adhered to the plain words and natural Meaning of the Instruction they cite, and the Circumstances of the Case in which they take upon themselves to advise, and by a strained Construction of Vesting and Divesting, warp and turn to a purpose very different from what was intended by it. I remember the Dispute twice to have happened in New-York, once I think in the year 1691, betwixt the Council there and Col. Dudley, who, if I was rightly informed, was by the King made President of the Council, notwithstanding the Seniority of any other Councellor, and upon the Death of Col. Slaughter, lay'd Claim to the Government; but the Council took the Government to be in them and not in the President and accordingly made Col. Ingoldsby a Commander in Chief, for which they all narrowly escaped being sent for, Prisoners to England. The other was upon the Death of the Earl of Belomont, I think sometime in the year 1699, when (if I mistake not) the Lieutenant Governor Nanfan was not upon the Spot: There the Contention was whether the Government devolved upon the whole Council or upon

Col. Smith the President, until the Arrival of Nanfan: But the Government vested in one or both, until that Arrival; and had they fortunately stumbled upon that lucky hint of once vesting and not to be divested but by express Words, they might have said Nanfan's arrival from Barbadoes (I think it was) could not entitle him to the Government, which I was already vested in Smith &c. and could not be divested but by express Words posterior to the vesting, to divest Smith &c. That he had no other Title but by his Commission of Lieutenant Governor; but not being upon the Spot, another was vested with the Government and could not be vested. This might have kept Nanfan out (as there wanted not strong Inclinations to do) and probably have given rise to an Instruction to have determined concerning the Point of Vesting, &c. and prevented a Dispute which happen'd about Six-and-thirty years afterwards, and never happen'd before. But as a Dispute of that Kind did never exist, the whole Controversy then being Whether upon the Death of a Governor, and no Lieutenant Governor upon the Spot, the Government, until the Lieutenant Governor should arrive, or the Royal Pleasure be known, devolved in the Interim upon the President or upon the whole Council? And the Instruction mentioned, determines that Dispute, That it shall in such Case devolve in the Interim upon the Person first in the Instructions, and not upon the whole Council: And could not be to determine a Dispute that did never exist nor prevent one that no-body but themselves ever dreamt of, and which by the Royal Instruction to me, which shews, that the Queen and Ministry (who must be supposed to understand the Nature and Meaning of their own Instructions) took the Government to have devolved upon me notwithstanding my being in England, or operated to confer the Post; and (as I take it) was a full and sufficient

Declaration of the Royal Pleasure to have prevented any Disputes of the Kind now existing, as the former was that the Council had nothing to do with the Disposition of the Government, nor had any Right to declare who was or who was not intitled to it; Nor can their Opinions operate any farther than that of any other judicious Men, medling with what they have nothing to do; the Validity of whose Opinions will depend upon the Knowledge and Sagacity, but not the Power of the Givers. Tho' it is not likely, yet it is not impossible, that all the Gentlemen of the Council might, at the precise Time of the Death of the Governor, be absent in York and Pennsylvania, and none of them resideing upon the Spot. I would learn of these worthy Gentlemen, whether the Government in such Case devolves upon all or any of the Council? And if upon any, which of them? For I suppose they will not say the Government was vacant, but that somebody had a Right at the Instant of his Death to take the Administration upon him. If they say it devolved upon all, or any, it is an Allowance that it could vest in all or any of them, tho' not residing at the Time of the Death. If it could vest in any of them tho' not resident, the Question then will be, which of them in such Case it would have vested in? The Answer is easy, according to the Determination made by the Instruction cited, That it would vest in him who was first named in the Instruction. But in such Case, as the more remote Distance (as at Albany) Sickness, Lameness, or many other unavoidable Accidents, might prevent the eldest Councellor from getting to the Spot; and the Youngest, or all the rest of the Council, might get there before the Eldest; and if there happened to be an Act of Government necessary to be done before the Eldest Councellor could arrive, as the Prorogation of an Assembly, &c. I ask in this Case, Could the youngest Councellor legally make this Prorogation, or continue the Assembly? If they

answer, No; then they admit that a Chasm can be in Government, and that in such Case devolves upon the Community (pro tempore at least) which I think is not to be admitted. If they say, Yes; then it is incumbent upon them to shew by what Authority he could do this, being neither resident at the Time of the Governor's Death, nor first named in the Instructions? If they say, The Necessity of the thing requir'd it; that is granted; but then it requir'd it to be done by One that had Authority to do it, and not by One that had not; and if legally done, must be done by one that had a legal Authority antecedent to, or at the Time of his doing it: And this Authority must be given by the King's Patent and Instructions, and not otherwise. And if in this Case given at all (as I think it was) it must have been given to a Man that was neither resident at the Time of the Death, nor the first person named in the Instructions. Which will shew, that the Words of the Patent and Instructions, and the Vesting with an Authority, are to be understood in a very different Sense from what these Gentlemen seem to take them in. It is not an Answer, to say, This is a Case that will rarely if ever happen. It is enough for me that it can happen. And tho' when I demanded the Seals, upon my attempting to shew what I took to be the Meaning of that Clause in the Patent &c. I was told, they would admit of no Constructions, (No, none of your Constructions) By which I suppose they meant, no Construction but their own (which indeed is pretty much strain'd, to make my Absence such an Absence as to be within the Meaning of the King's Instructions; and my Place in Council void, because they never knew or heard that I had Leave from the Governor or otherwise) Yet I beg leave to tell them, that where there is any doubt concerning the Meaning of a Law, Judges are to make Constructions; and such Constructions too, as to prevent the Mischief intended

to be provided against, and advance the Remedy intended to be given. And agreeable to this Rule of Law, the Instruction cited by them (which in this Case is Law to us) ought to be interpreted, and such Construction, and such only, to be put upon it, as will most effectually prevent the Mischief complain'd of, and advance the Remedy provided by it. For as the Queen and Ministry who gave that Instruction, and her Royal Successors, who have since continued it, did intend by it to prevent the Mischief there complain'd of; so there is no doubt to be made, they conceived the Remedy they propos'd, adequate to that purpose; and fully enough express'd to prevent any of the Evils mentioned, in all Cases likely or possible to happen (except the Death of the whole Council) without entring into a Detail of such Cases, or give more particular Directions concerning them. The Mischiefs intended to be prevented, were Controversies and Disputes between the Presidents and Councellors, and between the Councellors themselves, and otherwise. The Remedy provided to prevent Disputes, and lodge the Power in a certain Person, was, "that in Case of "Death or Absence, if no Lieutenant Governor, &c. "the Eldest Councellor whose name is first placed in "our Instructions to you, and who shall be at the Time "of your Death or Absence, residing within Our said "Province, shall take upon him the Administration, "&c. in Case of your absence until your Return, or in "all Cases until Our further Pleasure be known." Here is no express Direction that the next eldest Councellor shall take upon him the Administration in Case of the Death or Absence of the Eldest, but only that the Eldest shall in Case of the Death or Absence of the Governor: Yet at the time of the Governor's Death or Absence, the next eldest Councellor might not have been resident, tho' afterwards resident at the time of the Death of the eldest Councellor, and there-

fore by the Letter of this Instruction could not take the Administration upon him, but it must devolve upon the next junior; or the next to him if he happened to be residing at the time of the Death of the Governor, tho' absent at the Time of the Death of the eldest Councellor or President; and upon none of them, either eldest Councellor or any other of them, if they happen to be all absent at the Time of the Death of the Governor, as I put Case above; but such Construction would be in Advancement of the Mischief instead of the Remedy to prevent it, and introduce, not prevent Disputes; therefore (as I take it) the Death and Absence of the Governor is put by Way of Example, and governs all the subordinate Cases of Eldest, second or third Councellors, &c. Who are each of them to their next Eldest, what the Eldest was to the Governor, and could legally, in Case of the Absence of the next Elder hold it, until his Return, as the Eldest could do till the Return of the Governor; or in case of the President's Absence, the next Eldest upon the Spot could hold it till the Return of the Governor, or his next immediate Elder, which soever first happened: And that the Words (at the time of your Death or Absence) do not only mean at the instant of the Governor's Death or Departure from the Province; but also at any time thereafter (in case of Absence) till the Governor's Return, or (in Case of Death) until the Arrival of a new Governor, the Government was to be Administered by the eldest residing Councellor at all times during that Period. If it is taken in this Sense, then if the youngest was resident at the immediate Time of the Death or Departure he had a Right to the Administration as eldest Counsellor resident until the Arrivall of an Elder, who would then be the eldest Councellor, and so on. If the Words are not to be taken in this Sense it is impossible to shew by what Authority the youngest or even eldest Councellor, in the case put above, could do any Act of Govern-

ment; but that in such Case it must devolve upon the Community; which it is absurd to suppose the Government at home did not intend to provide against: And therefore (as I think) plainly proves this to be the true Meaning and Interpretation of that Instruction; and that the Pretence of Vesting, &c. is idle, groundless, and introductive of Disputes dangerous to the publick Peace. This Interpretation solves all the Cases that can be put while any Councellor is alive; is in Advancement of the Remedy and Prevention of the Mischief mentioned in the said Instructions; preserves and continues that proper and due Subordination, agreeable to the Rules of Government and the Nature of Things. And the Queen's Additional Instruction directed to me, who was known to be absent at the Time of the Death of the Governor, amounts to a Demonstration, that the Queen and Ministry understand the Instruction mentioned in the same Sense that I do; which may not be unworthy of the Consideration of the Gentlemen in the Opposition, and their Abettors; and there I leave it; and am, Sir, your humble Servant,

LEWIS MORRIS.

Here follows a Copy of the additional Instruction referred to in the above Observations.[1]

Advertisement of the West Jersey Society, giving Notice of an intended application to Parliament to vest all their lands in trustees, to be sold.

[From an Original Broadside in the Library of the New Jersey Historical Society.]

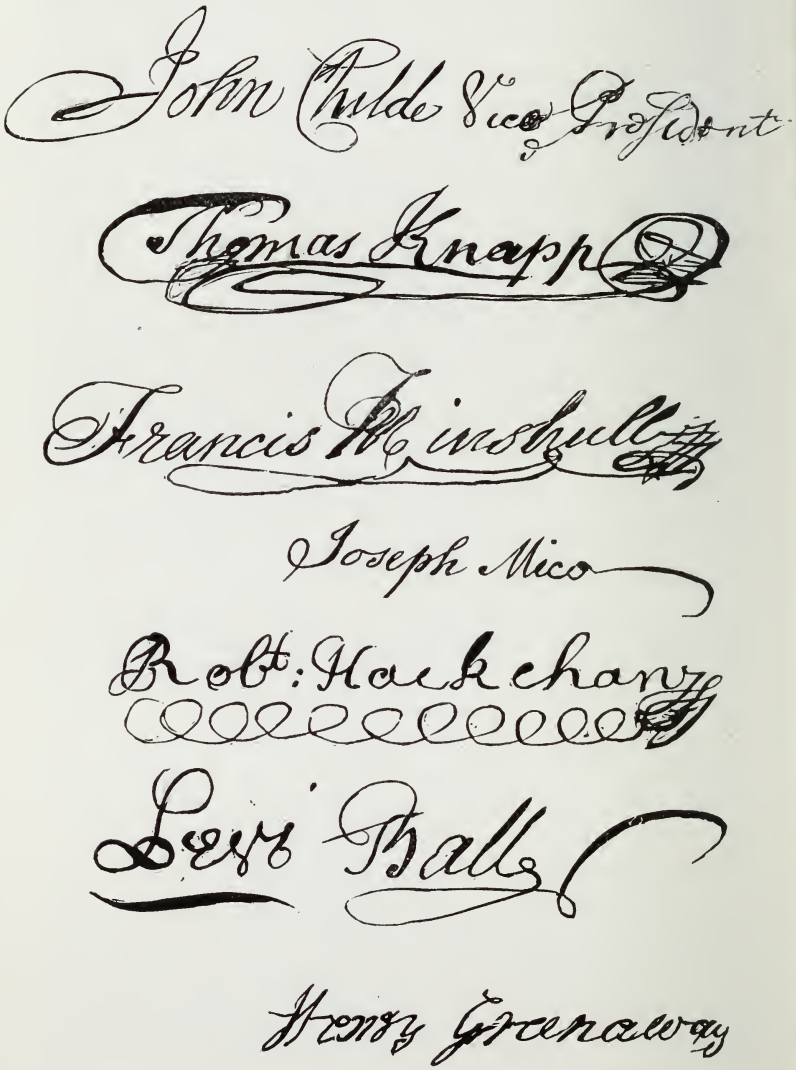
THIS PUBLICK NOTICE is Given to all the Inhabitants of his Majesty's Dominions in *America*, And to Acquaint all Persons whatsoever, that are Interested in,

[1] See ante, page 485.—ED.

or Entituled unto Lands there, or otherwise Concerned howsoever, THAT the *West New Jersey* SOCIETY having Suffered great Losses in their Properties, by the Frauds, Negligence, and Mismanagement, of their Agents; cannot Hope for any considerable Benefit and Profit from their Etates in *AMERICA*, without the Aid and Assistance of the PARLIAMENT OF *GREAT BRITAIN*. And for the enabling the said SOCIETY to call their Agents to Account, and prosecuting such Persons as have any Ways Injured or damaged them in their Estates: They, the Said SOCIETY, do intend to apply to the PARLIAMENT of *Great Britain*, at their next Meeting, or Sessions, For an *Act of Parliament*, to Vest all their Estates, Lands, and Properties, in the *Jersies*, and other Parts of *America* that they are now Possessed of, or Entituled unto, and were Purchased by them of D^r^ *JOHN COX*, and *REBECCA*, his Wife. And also One other Propriety in *West Jersey*, in America, purchased by them of *ROBERT HACKSHAW*, In Trustees, to be sold; and the Moneys arising by such Sale, after all Charges Deducted, to be Divided among the Members of the said SOCIETY, in Proportion to their several Shares, and respective Interests therein, according to their Deed of Settlement bearing Date the 4th of *April*, 1692; and of the several Transfers of Shares since made. And to Enable the said Trustees, to call the said SOCIETY's former Agents to Account, and to prosecute such Persons as have any way Injured or Damaged them in their Estates. And that any Bargain or sale of the SOCIETY's whole Estate and Concerns in *America*, Settled and agreed unto, by Three Fourths of the Members of the said SOCIETY, their Executors or Administrators in Number and Value with any Person or Persons whatsoever, shall be Firm and Valid in the Law, in like Manner as if every Member of the said SOCIETY had Consented thereto. Or that the said *Parliament* of *Great Britain*

will give the said SOCIETY such other Relief in the Premises, as in their great Wisdom and Judgment, shall be thought most Just and Reasonable.

Dated in London *this Sixth day of* July, *one Thousand Seven Hundred and Thirty Seven.*



Memorandum about New York and New Jersey.

[From P. R. O. America and West Indies, Vol. VII, p. 109.]

Mem.º abt. New York [and New Jersey]

Lewis Morris Senr. Esqr. to be Govr. of N: Jersey and Mr. Clarke to succeed his Father as Secretary of New York and his Father to be continu'd Lt. Governor. [1737?]

It is thought im'ediately Necessary for the Peace of the Government of New York that Lewis Morris Senr. Esqr. the late Chief Justice there, be made Governor of New Jersey; and that Mr. Clark the Lieut: Govt. of New York be continu'd so, untill the Arrivall of Lord Delawarr or some other Governor, and that he may have leave to Resign his place as Secry of that Province, to his Son ——— Clarke.

INDEX.

INDEX.

A.

Alexander: James, appointed one of the Council, 52, 71.—Letter from, to Brigadier Hunter, 58.—Continued as Surveyor General of West Jersey, 67.—Reasons of, for passing the Act for £40,000 in Bills of Credit, 102.—Appointed Commissioner to try Pirates, 197.—Letters of, to C. Colden, relative to Peter Sonmans, 202.—Ordered to deliver all books of West Jersey Proprietors to John Burr, 212.—Letters to, from John Burr, 211-212.—Letter from, to Governor Burnet, on the relative authority of Plantation Assemblies, 230.—Letter to ex-Governor Hunter, about death of ex-Governor Burnet, etc., 261.—Memorial to Governor Montgomerie, about the West Jersey Surveyor Generalship, 273.—Answer of West Jersey Proprietors to his Memorial, 278.—Letter to, from Thomas Penn, recommending John Ferdinand Paris, for Agent of New Jersey, 293.—Comments on, by Governor Cosby, 323, 324, 326, 395; his removal from the Council recommended, 325.—Remarks of, upon Governor Cosby's proceedings, 327, 360.—Letter to Robert Hunter about New Jersey affairs, 359.—Signs a petition against Act regulating fees, 404.—Lords of Trade notice complaints against, 408; referred to by President George Clarke, 439.

Allen: John, Accounts of, as Treasurer of West Jersey, 133-141.—Recommended for the Council of New Jersey, 316.

Anderson: John, One of Governor Burnet's Council, 3.—Suspended, 34.—Appointed Commissioner to try Pirates, 197.—Assumes the Governorship on the death of Governor Cosby, 440.—His death, 445.

Appeals: Instruction to Governor Burnet about, 157.

Ashfield: Richard, 124.—Recommended for Council, 317.

Assembly: Constitution of, 8, 12, 72.—Speeches to and addresses of, 24-27.—Business, before, 58; address of, to the King, 77.—Lords of Trade on mode of electing representatives of, 83.—Comments of Governor Burnet upon Acts of, 104.—Views of Governor Montgomerie upon Acts of, 285.—Asks for a separate Governor from New York, 270.

Attorney General: Report of, on alterations in the Constitution of the Assembly, 72.

B.

Baird (Bard): Peter, one of Governor Burnet's Council, 3, 34.—Payments to, 133.—Report of, on account Bills of Credit, 134.—Appointed Commissioner to try Pirates, 197.—His death, 375.

Ball: Lewis, of West Jersey Proprietors, Autograph of, 529.

Barclay: John, 57.

Basse: Jeremiah, Payment to, 135.

Biddle's Island: 42, 44.

Bills of Credit: Acts respecting 3, 94.—Scheme for issuing and sinking, 98.—Laws of Trade respecting 120.—Cosby comments upon Act for issuing £40,000. 365.—John Sharpe, Solicitor, disapproves of it, 410.—Replied to by Richard Partridge, 416.

Bishop of London: Instructions for his support, 264.

Bradford: William, 34.

Bridlington: See Burlington.

Bristol: Merchants of, Petition against the approval of the Act, imposing a duty on Copper Ore, 376.

Burdens Island: 42, 44.

Burlington: 11, 12, 40, 45, 58, 59, 73, 77, 83, 133.

Burlington Island: Description of, 38, 42, 44, 45.

Burlington County: 132.

Burnet: William, Notice of 1.—His instructions, 1, 3, 46, 71, 84, 122.—Autographs, 8, 125.—Letters from, to Lords of Trade, 8, 10, 32, 53,74, 86, 97, 104, 117, 181.—Letters of Charles Dunster,

respecting, 100.—Proclamation of, against Peter Sonmans, 124.—About the map of the Province and payment of interest, 163, 165.—Nominated as Governor of Massachusetts and New Hampshire, 187.—On certain New Jersey Acts, 190.—Letter to, from James Alexander, relative to Plantation Assemblies, 230.—His death referred to by James Alexander, 261.
Burr: John, Letters from, to James Alexander, on his being appointed Surveyor General of West Jersey, 211, 212.
Burr: Thomas, 211.
Byerly: Thomas, one of Governor Burnet's Council, 3.—Incapacitated, 34. Place filled, 52.

C.

Cape May County: 132, 133.
Carpenter's Island: 44, 45.
Carteret: Lord, Letter to, about gold and silver mines in New Jersey, 64.
Census of New Jersey: 1726, 164.
Charles II: Extracts from grant of, 16.
Chester: 43, 44.
Childe: John, Vice President West Jersey Society, autograph, 519.
Clarke: President George, announces to the Duke of Newcastle the death of Governor Cosby, 438.
Clergy of Church of England: Instructions to Governor Burnet, respecting, 23.
Colden: Cadwallader, Letter to, from James Alexander, about Peter Sonmans, 202.—Letter about establishing a public library in New York, through the Society for Propagating the Gospel, 237.—Referred to, 358.
Copper Ore: Exportation of, 7, 9, 267.—Merchants of Bristol petition against a tax on, 376.—Vindication of tax by Richard Partridge, 406.
Coram: Thomas, upon laws affecting prejudicially the manufactures of the kingdom, 308.
Cornbury: Lord, Administration of, referred to, 73.
Cosby: Col. William, appointed Governor of New York and New Jersey, 320; autograph, 322.—Comments on, by Lewis Morris, 349, 358.—Comments on New Jersey Acts, 365.—His reasons for removing Lewis Morris from the Chief Justiceship of New York, 366.—Lords of Trade notice his complaints against Alexander, Van Dam and Morris, 408, 432.—His death, 435, 438, 440.
Council: Minutes of, 34, 463.
Counties: to have two representatives, 83, 85.
Cox: Col. Dan., Description of Burlington Island, 38, 41-43.—Referred to, 43, 211.
Currency: Value of, 76.—Varieties of, 87.

D.

Dayworthy: John, Recommended for the Council, 317.
DeLancy: James, 329, 333, 334, 343.
Delaware: Islands in the, 6, 41, 44.—Opinion of Attorney and Solicitor General, respecting the ownership of, 15-18.—Report on Captain Gookin's petition for grant of, 18.—Order in Council respecting, 28, 43.
Dela Warr: Lord, appointed Governor of New Jersey, 491.—Resigns, 491.
Depeyster: Abraham, Recommended for the New York Council, 70.
Dick: Captain William, Recommended for the Council by Governor Cosby, 324.
Downes: Richard, Collector of Cape May County, receipts from him, 132, 133.
Dunster: Charles, Letter from, to one of the Proprietors, 101.

E.

East Jersey: Number of representatives, 12, 83.
Ecclesiastical Instruction in the Plantations: Order in Council relating thereto, 126.
Eires (Eiers): William, Recommended for the Council, 34.—Referred to, 61.

F.

Fairman's Island: In Delaware River, 42, 44.
Fane: Fran, 377, 406.
Farmar: Thomas, 344.—Recommended for Council, 422.
Fees: Objections to Act regulating, by Fran Fane, 377.--Petition against, 463.
Felt Makers' Company: Memorial of the Lords of Trade, 306.
Fines and Receipts: Attorney and Solicitor General's opinion, 291.
Fisher's Island: Not in Delaware River 43, 44, 46.

G.

Gee: Joshua, About islands in the Delaware, 6.
George I: Autograph, 23.
George II: Proclaimed in New York, 130, and in New Jersey, 131.
Gloucester County: 132, 133.
Gordon: Thomas, One of Governor Burnet's Council, 3.—Dies, 33,—Place filled, 52.
Gookin: Charles, Wishes a grant for islands in the Delaware, 6.—Report relating thereto, 18.—Order in Council, respecting, 28–30.—Referred to, 43.
Gosling: John, Memorial of relating to Morris, 36
Gray: Galfridus, On encroachments of the Indians, 107.
Grenaway: Henry, one of the West Jersey Society, autograph, 319.

H.

Hackchaw: Robert, One of the West Jersey Society, autograph, 510.
Hamilton: Andrew (of Philadelphia), 101, 102.
Hamilton: John, One of Governor Burnet's Council, 3.—Appointed a Commissioner to try Pirates, 197.—Assumes the Presidency of the Council on the death of Anderson, 445.—Autograph, 446; Letter to, from Secretary Popple about vacancies, 454.—Letter to the Duke of Newcastle about claims of Lewis Morris, 467.—Proclamation of, against Lewis Morris, 469.—His complaints against Lewis Morris, submitted to the Duke of Newcastle, 479.—Complaints to the Lords of Trade about proceedings of Lewis Morris, 481.
Harrison: Francis, Surveyor of New York, 7.
Haskell: Mr., 55.
Hats: Felt Makers' Company Ask that the inhabitants of the Plantations be required to wear hats made in Great Britain, 306.
Hinckman: John, 211.
Hogg Island: 42, 44.
Holland: Captain, 54.
Hollanders Creek Island: 42, 44, 45.
Hooper: Robert Lettice, nominated for Chief Justice, 97.—Appointed, 182.—Receipts on account of Bills of Credit, 134.—Referred to, 344, 402.
Horsmanden: Daniel, 323.
Hugg: John, One of Governor Burnet's Council, 3.—Appointed Commissioner to try Pirates, 197.—Dies, 293.
Hunter: ex-Governor, Referred to, 10, 12, 54, 113, 344.—Letters to, from James Alexander, 55, 359.—Letters to James Alexander, 179, 187.
Hunterdon County: 12, 13, 61, 73, 83, 84, 132, 133.

I.

Indians: Friendly to the inhabitants, 22.—Galfridus Gray on protection against, 107, 112.
Instructions: To Gov. Burnet, 1, 3, 23, 46, 71, 84, 122.—About suppression of vice and immorality, 159.
Interest on Bills of Credit: Disposition of, canvassed, 129.—Letters from Gov. Burnet about, 163, 165.—Amount paid by Commissioners of Loan Office, 1725, 150.—Gov. Montgomerie's views on the appropriation of interest to the payment of incidental charges, 249.—Lords of Trade express their views thereon, 256.
Islands in Delaware River: 41, 44.

J.

Jamison: David, Chief Justice, 77.—Referred to, 344.
Johnston: Andrew, 61.—Letter to, from Barbadoes, Gov. Montgomerie on his way to the Province, 183.—Recommended for the Council, 317.—Autograph, 317.—Notice of, 317, 318.
Johnston: Dr. John, 35, 56, 58, 59, 60, 61, 63, 263.—Gives lands in Amboy to voters, 61.—Chosen Speaker of Assembly, 62.—Superseded as one of New York Council, 70.
Johnston, Junior: John, one of Governor Burnet's Council, 3.—Appointed Commissioner to try Pirates, 197.

K.

Kearny: Michael, Treasurer of East Jersey; receipts and payments of 1724–1725, 142, 151.
Keith: Sir William, Governor of South Carolina, on protection against the Indians, 114.—Letter from, about certain manufactures, 203.—Discourse on state of the Plantations, 214.—Letter to, from Mr. Lowndes about Pot and Pearl Ashes, 245, and answer, 246.—Urged to apply for the Government of New Jersey, 435.—Applies for it, 446.—His views on the necessity for a separate Governor, 450.
Kinsey: John, Member of Assembly from Middlesex County, 262.
Knapp: Thomas, one of West Jersey Society, autograph, 510.

L.

Lambert: Thomas, Recommended for the Council from West Jersey, 316.
Lane: Henry, 323.
Lawrence: William, 60, 61.
League Island: 42, 44.
Leonard: Henry, Recommended for the Council from East Jersey, 318.
Leonard: Samuel, 62.
Lodge: Abraham, of New Jersey Council, 404.
Lovelace: Lord, 73.
Lowndes: Thomas, Letter from, to Sir William Keith, about Pot and Pearl Ashes, 245.
Lyell: David, One of Gov. Burnet's Council, 3.—Dies, 130.

M.

Manufactures: Representation of the Lords of Trade to the President of Council respecting, 207.
Mickle: John, Representative from Gloucester County, 133, 211.
Mico: Joseph, One of the West Jersey Society, autograph, 510.
Middlesex County: Grand Jury for, petition for a separate Governor, 444.
Militia: Views respecting, by Lewis Morris, 319.
Mines: Memorial of John Gosling respecting, 36.—Of gold and silver in New Jersey, 64.—10 whom belonging, 65, 74, 129.—Lords of Trade respecting, 120.
Minshull: Francis, One of the West Jersey Society, autograph, 510.
Moneys: Received and paid Sept. 1720–Sept. 1725, 132.
Monmouth County, 61.
Montgomerie: John, Appointed Governor, 167.—Instructions to, 169, 171.—His opinions respecting several bills, 167, 189.—Arrives in New York, 184.—Autograph, 185.—Letter to, from Board of Trade, relative to act appropriating interest money, 200, 266.—Letter from, to Lords of Trade, 207.—Ditto on New Jersey affairs, 234.—Letter from Lords of Trade to, on certain acts passed in New Jersey, 247.—His answer thereto, 249.—His views respecting the payment of interest money for incidental expenses, 249, 292.—Letter from, to Duke of Newcastle, about copper ore, 267.—Letter from, to the Lords of Trade, about New Jersey affairs, 268.—Ditto, about several acts passed in New Jersey, 285.—His death, 294, 295.—Letter to, from Lords of Trade about New Jersey acts, 302.—Succeeded by Wm. Cosby, 320.
Moor: John, Recommended to succeed Lewis Morris in the Council, 398, 402.
Morris: Lewis, One of Gov. Burnet's Council, 3.—Acts of, references to, 59, 60, 103.—Appointed Commissioner to try Pirates, 197. Congratulatory address to, by the New Jersey Council, on his succeeding Gov. Montgomerie, 297.—Autograph, 296.—On New Jersey's having a separate Governor from New York, 314.—Recommendations for the Council, 316.—Views of, respecting militia, 319.—Chief Justice, 328, 329.—His removal by Gov. Cosby, 329.—Proceedings of, commented on by Gov. Cosby, 330–345, 395.—Letter of, to the Lords of Trade, respecting Cosby, 349–359.—Reasons of Cosby for removing him, 366.—Lords of Trade to the Queen upon Cosby's complaints, 408.—Petition of, to the King, against Cosby's proceedings, 433.—Reasons for his removal declared insufficient by the King, 437.—Referred to by President Clarke, 439.—Letter from, to Duke of Newcastle, about his claim to the Presidency of the Council, 455.—At meeting of the Council, 463.—Proclamations by, 464, 489.—Letter of, to Lords of Trade, in relation to his claim for the Presidency, 472.—Report of the Council relative thereto, 474.—Letter from, to President Hamilton, about his proceedings, 478.—is complaints submitted to the Duke of Newcastle, 479.—Hamilton complains to the Lords of Trade respecting, 481.—Announces his arrival in New Jersey, 491.—His observations on the proceedings of Hamilton submitted to the Lords of Trade, 492.
Morris, Junior: Lewis, 336.
Morris: Robert Hunter, Letter of, to James Alexander, commenting on the proceedings of Gov. Cosby, 431.
Mudd-Banks: On Delaware River, 42, 44.
Murray: Joseph, Of New Jersey Council, 404.

N.

Naval Stores: Improvement in production of, 68.
Negroes: Imported into New Jersey, 1698–1726, 152.
New Jersey: Condition of, in 1721, 20.—Produce of, exported by New York and Pennsylvania, 96.—The most prolific of the Provinces, 102.—Grand Jury of, address to the King on the accession of Gov. Montgomerie, 185.—Memorandum about, 511.
New York and New Jersey: Memorandum about, 511.
Nicholson: Governor, on Protection against the Indians, 113.
Norris: Captain Matthew, 328.

P.

Paper Money: Value of New Jersey, 153, 154.—The Lords of Trade respecting, 156.
Paris: John Ferdinand, 344.—Autograph, 405.
Partition Line: Act for running, submitted for approval, 213.—Approved, 243.
Parker: John, One of Gov. Burnet's Council, 3.—Money received from him on account of Bills of Credit, 133.—Mayor of Perth Amboy, 155.—Letter from Barbadoes informing him that Gov. Montgomerie was on his way to the Province, 183.—Appointed Commissioner to try Pirates, 197.—Letter to Rev. Wm. Skinner about seal of New Brunswick, 283.—Autograph, 283.
Partridge: Richard, Comments of, on the desire of the people of New Jersey for a separate Governor, 303.—Memorial of, to the Lords of Trade, about New Jersey bills, 304.—Vindicates the act for taxing exported copper ore, 406.—Answers Solicitor Sharpe's objections to the £40,000 Bills of Credit, 416.—Petition of, for a separate Governor, 448.—His reasons therefor, 451.
Peagram: John, Surveyor General, Admitted to the Council, 348.
Penn: William, Extracts from Grant of, 17.
Penn: Thomas, Letter from to James Alexander, recommending Ferdinand John Paris as agent of New Jersey, 293.
Pensbury Islands: 42, 44.
Perth Amboy: 11, 12.—Lands in, given to voters, 61.—How represented, 83.—Seal of, 284.
Petition of the Assembly: Asking for a separate Governor from New York, 270.
Phillips: Frederick, 329, 333-335.
Phillips: Governor of Annapolis, on protection against the Indians, 114.
Pierce: Vincent, 328.
Pirates: Commissioners for trying, 196.
Population of New Jersey in 1726, 164.
Proprietors: Incorporation of, 58.
Provost: William, Recommended for the New York Council, 70.—Appointed a Commissioner to try Pirates, 197.—Recommended for the Council from East Jersey, 318, 323.—Appointed, 346.

Q.

Quakers: 21, 234, 235.

R.

Radford: Andrew, 62.
Reading: John, One of Gov. Burnet's Council, 3.—Appointed a Commissioner to try Pirates, 197.
Richier: Edward, One of the Proprietors, 6.
Rodman: Dr. John, Recommended for the Council, 294, 402.
Rycroft: David, of Barbadoes, 183.

S.

Salem: 12, 74, 83-85, 132, 133.
Schuyler's Copper Mine: 7.
Schuylkill River: 44, 45.
Schuyler: John, Recommended for the Council from East Jersey, 318, 374, 402.
Seal: Warrant for New, 180.
Seal of Perth Amboy: 284.
Seal of New Brunswick proposed, 283.
Sharp, Isaac, 58, 59, 60, 133.
Sharpe: John, Solicitor, Disapproves of the Act of Assembly, making £40,000 Bills of Credit, 410.
Skinner: Rev. William, Consulted about Seal of New Brunswick, 234.—Autograph, 285.—Suggests to Sir William Keith, to apply for the Governorship, 435.
Smith: James, Secretary, Fees of, 4.—Referred to, 12, 103.—Appointed of Council, 52, 71.—Appointed a Commissioner to try Pirates, 197.—Memorial of, relative to his fees as Clerk, 193.—Death, 320.
Smith: Thomas, Asks to be appointed Governor of New Jersey, 278.
Smith: Richard, Recommended for Council from West Jersey, 317, 402.
Smith: William, of New Jersey Council, 404.
Somerset County, 61.
Sonmans: Peter, 103, 263.—Proclamation against, 24.
Spotswood: Governor of Virginia, on protection agaigst the Indians, 113.
Stacy: Mahlon, Recommended for the Council from West Jersey, 317.—Autograph, 317.
Stacy's Island, 44, 45.
Stelle: Gabriel, Recommended for the Council from East Jersey, 319.
Strut: Governor of New England, on protection against the Indians, 113.
Surveyor General of Customs: to be admitted to sit and vote in the Councils, 348.

T.

Tenecum: 42.
Tenecunck, in Delaware River: 43, 44, 46.
Townley: Effingham, 57.
Trade: Clandestine carried on, 46.
Trent: William, Chief Justice, 77.—Notice of, 77.—Autograph, 77.—Chosen Speaker of Assembly, 77.—Dies, 97.—Payments to, 133.—Receipts from, on account Bills of Credit, 134.—Referred to, 344.
Trenton: Named after William Trent, 77.

V.

Vacancies in Council reported: 33, 34.—Acted on, 51.
Van Dam: Rip, 332-336, 342, 360, 395, 408, 438.
Van Horne: Abraham, Recommended for New York Council, 70.—Governor Burnet married to his daughter, 70.
Van Horn: Cornelius, Recommended by Governor Burnet for the Council of New Jersey, 130.—Appointed Commissioner to try Pirates, 197.

W.

Walters: Robert, 323.
Warrell, Joseph, 324.
Warden: John, Sergeant-at-arms, Payment to, 135.
Watson: John, Old New Jersey Artist, 2.
Wells: John, One of Mr. Burnet's Council, 3; Payment to, 133.—Appointed a Commissioner to try Pirates, 197.—Old and Infirm, 446.
West: Richard, Report of, upon New Jersey Acts, 79.
White: William, Doorkeeper, 137.
West Jersey Proprietors' Council: Appoint James Alexander Surveyor General, 67.—Appointed John Burr to the office, 211.—Advertisement of, 508.
West Jersey: Representatives of, 12, 83.
Wetherill: Thomas, 211.
Willocks: George, a professed Jacobite, 11.—Acts of, referred to, 32, 33, 35, 57, 59, 61, 101.—Bound over by Governor Burnet, 60.
Wright: Joshua, 211.
Wyatt: Bartholomew, Representative of Salem County, 133.

9707